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Consulate of the United States of America
Havana, December 24, 1838.

Hon: John Forsyth
Secretary of State.

Sir,

Having been informed, some days ago, that Captain Abraham Wendell junr., was at liberty; and presuming that he will hasten to our country, there to propagate personally the absurd inventions which he and his confederates have been industriously engaged for some months in spreading as far as their voice could reach from this point, it becomes ne-cessary, although at the expense of other urgent calls upon my time, that I should transmit a true version of his case. A comparison of the facts with the preposterous falsehoods attempted to be substituted for them will afford an idea of the quantum of truth comprised in other matter of the same complex-ion which has been rife in regard to my official

official conduct, for the last six or eight months particularly.

The present case speaks for itself. But it conveys an altogether inadequate conception of the <u>necessity</u> which, on this occasion, pressed upon me to pursue the course which I took. Some further idea of this will be afforded by a few other samples of the condition of our mercantile marine, which I hope to have it in my power to transmit soon; and which will show a state of things under the American flag, that if made known to the people of the United States as existing towards American citizens in captivity under the Tripolitan, would make the cry of war against these "pirates" resound throughout our land. From them it will be seen that, owing to the then existing state of things, this particular occasion brought matters to a head, and was to test whether or no a tone of defiance and bullying on the part of a Ship-master was to be relied upon by every one so disposed, as sufficient to drive me from my line of duty.

On the 12th. day of July last, William Bell, first mate of the Brig Kremlin of New York, then

then recently arrived, presented himself at this Consulate. I was closely engaged at the moment, and my assistant in the outer office, upon learning the object of his visit, appointed a later hour in the day for him to see me, and then gave me the outlines of his statement.

Before the hour appointed for my seeing him, Captain Wendell stalked into my office, took up a chair, brought it to the edge of the desk where I was writing, and planting himself in it observed, "My mate has been to see you, I hear." The following dialogue then ensued.

Consul. Yes Sir.

Captain Wendell. Well, what has he to say for himself?

Consul. That you were about to shoot him last night, because he would not consent to be ironed, and then fastened him down under the hatches, where he was kept without a breath of fresh air, until long after sun-rise this morning.

Captain Wendell. Well? Sir.

Consul. This is conduct in which no American ship-master shall receive any countenance from me.

Captain

Captain Wendell. (Raising his voice) What am I to do, Sir, with a refactory man?

Consul. Plenty of means, Sir, to controul refractory men, in a proper manner. There is no lack of soldiers here, they are all round you, ten thousand or so; and a word to the Captain of the Port would have brought you any number the case might call for.

Captain Wendell. (Raising his voice still higher, and in the most imperious manner.) And what, Sir, is to become of my ship in the meanwhile?

Consul. If this is the tone, Sir, in which you propose to hold the conversation, I will have no more with you.

Captain Wendell. Very well, Sir, then I will go and see my consignees.

Saying which, he jumped up and stalked away, talking loud as he went; although to very little purpose: for I neither heard a word nor was my curiosity sufficient to lead me to enquire of those in the office through which he passed.

At the appointed hour, the mate called; and after listening to his story and putting such questions as it suggested, I

wrote

wrote down its principal incidents in my memorandum book, of which it filled two pages, (the size, foolscap)

I will here interrupt the thread of the case, a moment, by stating the impressions made upon me by the two men. This was not the first time of my seeing the Captain. That had happened some days before, when he visited me on the subject of one of his crew, who, he alleged, was shamming sickness. The occasion was quite sufficient to make me aware of what class of shipmasters he belonged to, inasmuch as he took pleasure in speaking of his men in a tone, which if used by a stage driver with respect to his horses could not fail to fill his passengers with disgust. Moreover his appearance indicated that he was a hard drinker. That of the mate was directly the reverse in this respect. I was struck with the clearness and precision of the views unfolded in his talk, with regard to his rights and duties, and his nice sense of the latter; and he left upon my mind a very decided impression that he belonged to the most respectable

class

class of mariners of his rank, and was sober, intelligent and unusually discreet and forbearing: forming, so far as I had had the means of judging, an entire contrast to his captain, as was written by me in my memorandum book at the time.

I have introduced these particulars here, because, although, as will be seen, my course did not in the slightest degree rest upon the mate's sobriety or his character in any respect whatever, and he might, without affecting the merits of the case, have been the greatest drunkard and liar upon earth, one of the numberless falsehoods by which the miserable man who is the hero of the tale, and his still more miserable instigators sought to awaken sympathy in his favor, and to a great extent succeeded in doing so, consisted in representing the mate as an abandoned drunkard, in abetting whom against his Captain the Consul had wantonly thrown the latter into prison!

I have seen the mate at all hours of the day, and so repeatedly that I could not enumerate the occasions. — He has been seen still more frequently by Mr. Smith,

my

my Vice-Consul,- the son of a Salem mer-
-chant, who has been in hourly contact with
mariners for upwards of 35 years, a consider-
-able part of which time has been passed
on ship board. And with one single exception,
neither of us ever perceived the slightest symp-
-tom of his indulging at all in drink. That
exception was long after Captain Wendell's case
was over so far as I had any thing to do with
it; and even then it was mere conjecture on
my part. Bell had been selected by Mr. Smith
to fill the post of ship-keeper to a vessel
which had been abandoned into my hands;
and upon his visiting the office one day, I
noticed a heated appearance about his
countenance, so entirely different from any-
-thing I had ever before seen in it that it
attracted my attention and caused me to
speak on the subject to Mr. Smith. There
were no grounds for suspecting him to be at
all inebriated at the moment; but only for
the suspicion that he might have been
relieving by drink the tedium of idleness
forced upon him by the post in which he
had been employed. Mr Smith informed
me that he had never had any ground for

supposing

supposing this to be the case.

Throughout the whole of the business, the man's course was such as to recommend him to my respect and confidence. Of this I will give one or two instances.

When it became necessary for me to take him under my protection, in reply to the enquiry what he was to do, I informed him that, as a destitute mariner, (I took for granted from the circumstances that he was entirely without money,) he was entitled to support from me until an opportunity should offer for sending him home, and that he might go to a boarding house. Instead of availing himself of this offer, (it must be known that he has a wife and children to support,) he informed me that he had some money of his own, although but little, and that, as he had several acquaintances among the ship masters in port who would be ready to befriend him, it would be more agreeable as well as economical for him to take up his abode with one of them; and that he would not apply to me for pecuniary aid until his own money should give out, which probably would not happen during his stay. Assenting to the

propriety

propriety of his avoiding a common sailor boarding house if possible, I told him that if his money should give out, he might still live wherever he pleased provided his expenses should not exceed the ordinary charge for boarding and lodging, which was a dollar a-day. To which he replied that he could manage with less. When, finally, he did come to inform me that his own money was exhausted, I repeated what I had first said, and gave directions to the Vice-Consul to allow him a dollar a-day: notwithstanding which, he showed the utmost scrupulousness in bringing to him a detailed account of the exact cost of his living.

His detention here, (in consequence of an intimation to me from the Authorities that he must not leave,) proved sufficient to exhaust any humanx patience. He several times named to me Captains who had offered him a free passage home, and that some individuals were very urgent upon him to take himself off. But, he said, I had stood by him; and, ruinous as it was to him to be losing his time here, he was

determined

determined to remain until I should tell him he might go, lest his doing so otherwise might be attended with the effect of placing me in a disagreeable position...

To this he most faithfully adhered: until, after repeated efforts to have the case brought to a close, conceiving it altogether outrageous that the man should be detained here in this manner, I directed the Vice Consul to pay him the money I had collected for him from the new Captain sent out by the owners of the Kremlin — from which was now deducted the advances made to him as a destitute seaman — and to intimate to him that although I could not officially release him from his obligation to remain, I would blame no man in his situation for taking french leave.

An instance of his particularity in stating facts occurred in the first stages of the business. He had been summoned through me to appear before the magistrate and give his declaration. Upon his return, he told me that his declaration had been compared with the statement officially presented by me, and that the only discrepancy between them

them consisted in my having stated that, on the night of the outrage upon him, he had been compelled to take hold of Capt. Wendell by the "wrists"; whereas he had declared that he had taken hold of him by the "arms." He added that this was a mistake on my part; although he supposed that it would not matter. Upon turning to my memorandum, written in Bell's presence, just after he had made his statement to me, I found that arms was the word; although in writing my official statement I had inadvertently written wrists instead: probably from my having written from memory, the whole affair being then fresh in my mind, and from its seeming natural that a man should seize another's arms, in that particular part, to hold them by.

I will now resume the thread of the narrative.

The course which I determined to pursue will be seen from my letter to Captain Wendell under date July 12. 1838; which was, on that day, put into the hands of Mr. Daniel Warren, the shipping master, for delivery. [Enclosure No. 1.]

Enclosure No. 1.

The next morning, about 9 oclock,

o'clock, Mr Warren called at the Consulate to state that he had delivered the letter to Captain Wendell on board the Kremlin, while going his morning rounds among the shipping.

Nothing was heard from the Captain on that day. On the next, I wrote a letter {Enclosure 2nd 2.} to his consignees, of which I was just completing the copy intended for them (and which was afterwards delivered), when Captain Wendell made his appearance, accompanied by another Ship-master, Captain Leighton of the Brig Plaudit. ——

Enclosure No 2.

Captain W. began by stating, as the reason why my letter had received no notice from him on the day previous, that it had not been delivered until 10 o'clock. (My office is about three minutes walk from the landing place, from which his vessel lay about five minutes row.)

This reason would have passed without a word of comment from me, upon either its sufficiency or its truth, had not Mr Warren happened at that

instant

instant to come to the Consulate, and to be informed of what had just been stated. Whereupon he entered my office and begged leave to repeat in the presence of Captain Wendell the account which he had rendered of my letter the morning previous. Thus confronted, Captain W. receded from 10 to 9 o'clock, which also being denied by Mr. Warren, Capt. W, appealing to his witness Captain Leighton, asked if it was not at least 9 o'clock, and received for answer 'that it was after breakfast."

Having with considerable difficulty succeeded in obtaining silence from Captain W. upon this point, as one which it was altogether unnecessary to dwell upon, I enquired if he had brought his shipping articles. He produced them, [Enclosure No. 3.] — a glance at their heading proved that they accorded perfectly with the statement of his mate; and, observing that the man was entitled to his discharge, I told the Capt. that he would be so kind as to give it to him.

Enclosure No. 3.

After contending that his having

having brought the vessel from Matanzas to Havana could "not be considered a deviation," Captain Tweedell asserted that his mate had been guilty of mutiny in refusing to obey his order to go into the forecastle, and that this was the reason why he had threatened to shoot him. I reminded him of his having admitted to me that his reason for doing so was that he would not consent to be ironed. Well, he had a right to iron him, — Judge Story had decided that he had a right to iron his mate, in a case to which himself had been a party. — To this I replied that he had a right to shoot him too, for good and sufficient cause, and where the circumstances required a resort to such a course: but that it was altogether useless to enter into these discussions, inasmuch as they had nothing to do with the ground upon which I demanded of him to give the mate his discharge, which was simply and solely, that he was not bound to the vessel.

After consuming a great deal of time in all sort of talk, and finding it to no purpose, he concluded by

by saying, "You are not going to demand the three months wages?", My reply to which was, "I demand the man's discharge <u>according to law</u>; and the law requires the three months wages."

He had no money of his owners to throw away, he <u>would</u> not pay them, & &c. I informed him that he had my letter, and that he might pursue such course as he saw fit; but he must do so under the assurance that I would not deviate a hair's breadth from that which I had laid down for myself. He then said that if I would obtain his consignees' consent to his paying the three months wages, he would do so; and upon my replying that I would not have a word to say with his consignees or any one else upon the subject, — that he might consult them or whomsoever he pleased, and that I would allow him all the time for deliberation that he might wish, — but that my duty lay with the master of the Brig Gremlin, with whom alone would I have any thing whatever to do in the matter, — he

finally

finally took his leave in a style that left but little hope of his following the good advice which I felt certain would be given (and was given) by his consignees.

On the 18th inst I addressed to the Captain General the letter of that date, [Enclosure No. 4.] which had been written the day previous, but was delayed in consequence of the necessity of having it translated under my eye; a cause which at least trebled the labor which this case threw upon me.

[Enclosure No 4]

[Enclosure No 5] On the 20th I received H. E.'s reply, under date the 19th, embodying an official letter from H. E. to the Captain of the Port, wherein the latter was informed that, in consequence of an application from me, H. E. had determined that the master of the Brig Kremlin should be compelled to give to his mate his discharge before the Consul, "paying his wages and delivering his clothes and effects, to the end that he may return to the United States," which determination the Captain of the Port was instructed

instructed to see carried into effect. I was further informed that I should be opportunely advised of H. E's determination in regard to the proceeding which ought to be had against the Master of the Kremlin.

On the same day I received from the Captain of the Port a letter of that date, reciting that addressed to him by the Captain General, and informing me that, to the end that H. E's determination should be fulfilled, he had given the order that the master and mate of the Kremlin should on that day present themselves at my Consulate. He ended by requesting that I would inform him that H. E's determination had been complied with, in order that he might report accordingly.

Enclosure No. 6. [Enclosure No. 6.]

With this letter, the Captain of the Port sent up to me the master and mate of the Kremlin. I observed to the former, 'you will now, Sir, have the goodness to produce the shipping articles.' The words were scarcely out of my mouth when he replied, 'I will do no such thing, I pay no extra wages, the Captain General's

General's order says nothing about extra wages.' I informed him that the Capt. General's order was founded upon the letter which I had addressed to H. E., requesting that he should be compelled to give the discharge according to the laws of the United States, — that I now demanded of him to do so, and if he refused compliance, I should be under the necessity of reporting his refusal. His bullying tone and bearing had but increased, and his deportment in every respect showed that he expected to drive me from my course. He replied that he did not care, I might do as I pleased, he would pay no extra wages. Whereupon, telling him that our business was then at an end for the present, I wrote to the Captain of the Port my letter of the 20th July. [Enclosure No. 7]

Enclosure No 7.

On the 25 of July, I received from the Captain of the Port his letter of that [Enclosure No. 8]

Enclosure No 8.

date, which, as the ready understanding of it requires some familiarity with the forms of Spanish proceedings, I will here separate into the several distinct parts

parts of which it is composed.

It is founded upon a letter addressed to him by the Captain General, and begins with a few words serving as an introduction to the copy of that letter, which it embodies.

The Captain General's letter is founded upon an opinion from the Auditor of War, (Felipe Martinez) and begins, in like manner, with a few words introducing that opinion, which it recites; and, appended to which, comes H. E.'s decree, based upon it.

The Captain General's letter runs thus: "The Honorary Counsellor, Auditor of War, has given to me the opinion, which, together with my decree, is as follows: 'Most Excellent Sir, The determination made by H. E. on the 19th inst. is to be strictly fulfilled, and the Captain of the Port is to be charged that if he (referring to the master of the Hermlin) should not conform thereto, he be placed by him as a prisoner in the public jail, without prejudice to which point, the

Plaza

Plaza should proceed to the legal establishment of the facts referred to by the Consul of the United States of America in his letter of the 18th. inst. Saving &c. Habana 23 of July 1838. Most Excellent Sir, Felipe Martinez. Habana 24 of July 1838. Let it be done in all things as is proposed in the foregoing opinion, to which I conform. Espeleta."

Having thus recited the Captain General's letter, the Captain of the Port proceeds to say:

"In order to give fulfilment to the first part of the opinion of the Auditor, approved by H. E., I have required of the master of the American Brig Kremlin, that he and the mate should present themselves before you at 9 o'clock this morning, to the end that the payment of the latter by the former may take place, with the understanding that if H. E.'s determination should not be fulfilled, you will be pleased to communicate the fact to me without loss of time, in order that from your office, the

said

said Captain shall be conducted to
Jail.

All which I communicate to
you for your understanding.

This letter was brought to
my office on the 25th of July, during
my absence therefrom, of which the
Captain of the Port was informed, and
the business was postponed till next
day.

The demands upon my time
not permitting that any more of it
should be wasted in interviews with
Captain Wendell, and his deportment
in my presence and out of it, affording
no slight ground for apprehending that
he might indulge his disposition to
such an extent as to impose upon me
the disagreeable necessity of a resort to
the Authorities for the protection of my
office from flagrant insult, - I deter-
-mined not to see him again, but
that this last interview should be had
with Mr Smith, my Vice Consul, an
old gentleman blessed with one of the
very best tempers I ever knew, and
whose

whose white head and remarkably conciliatory manner, particularly as the Captain's ire had not been awakened against him, were calculated, if anything could have such influence, to make him listen to the voice of reason.

Upon Captain Wendell's presenting himself, Mr Smith invited him to a seat, and observed, "I hope you have come to pay the wages;" to which he received for reply, "No I won't, you may send me to jail if you have a mind to."

Whereupon, observing that then he must do his duty, Mr Smith gave directions to Mr Brusse, a clerk in the Consulate, to go and inform the Captain of the Port of this result. As Mr Brusse departed on this errand, Captain Wendell also left the office, accompanied by the orderly who had been sent with him by the Captain of the Port.

That orderly, as Captain Wendell had been informed, was the bearer of an order for his imprisonment, and had received instructions to conduct him to jail if he should persist

in

in refusing to comply with the Captain General's decree. Through consideration for his character as the master of a vessel, and to avoide, as he said the scandalous spectacle of his being conducted under an armed guard, the Captain of the Port had sent him unattended by any other person, and this one even without arms of any kind.

Instead of evincing a proper sense of this extreme delicacy, (which would have been shewn to no man in our country, and would not have been shewn here by me, had the power of ordering a man into confinement been vested in me,) the Captain's conduct was as disgraceful in this particular as it was in every other. Having made his election to go to prison, the faintest sense of manliness and of decency would have sufficed to direct him straight to its door. Not such, however, was his course. Under the notion, doubtless, that an American ship-master on board his vessel is beyond the reach of the authorities of the country, and cannot

be

be touched without affording cause for war, (a notion the prevalence and the most mischievous influences of which I shall hereafter take occasion to remark upon,) Captain Wendell first observed that he must be allowed to go on board his vessel, and they must come and take him there. Finding, however, that the man's orders did not permit him to assent to this proposal, he then grossly abused that which he had received to treat him with the utmost delicacy, by leading him a chace into various parts of the city, and finally creating the necessity for actually laying hand upon him, by an attempt on his part, while the man was politely following him he knew not whither, to rush into the Captain General's. The first house which he visited in this way was that of Mr Ferdinand Clark, a personage whose zeal in this case and every other affording similar opportunities, has made him their most distinguished patron, and has borne fruits which, perhaps, create a necessity,

that

that had not been conceivable by me, of my noticing him so far as to make known what he is, and what special causes exist to draw out towards me all the virtues of his nature. For want of time, I must here confine myself to a summing up his character by expressing my own deliberate conviction (the justice of which would, I believe, be assented to by every man who knows anything about him,) that this individual, so conspicuous for noble zeal in behalf of american citizens, oppressed by their Consul, is a being who, if he saw on one side of his path a drowning infant, and on the other a man whom he might stand a chance to cheat out of a dollar, would, both by native instinct and the force of habit, be irresistibly attracted by the latter.

The foregoing narrative concludes the first stage of the case by bringing it down to the arrest and imprisonment of Captain Wendell, for persisting in his refusal to comply with a decree of the proper tribunal of the country requiring that he should discharge his mate before me. The second stage

consists

consists of the proceedings founded upon the outrage committed by him upon the person of that mate. To avoid confusing the subject, by breaking the thread of those proceedings, I will first explain some incidents which became connected with them. Here also appears to be the most convenient place for mentioning some circumstances necessary to afford an idea of the general nature of the case, and of the spirit and preposterous notions, which it proved the occasion for forcing me into violent collision with.

The imprisonment of an American Ship-master! The decapitation of Louis the 16th did not produce a greater commotion among the Lord's anointed in Europe, that the present occurrence gave occasion to here. And that this should have been done, too, at the instigation of the Consul! Enormity without parallel, and almost transcending all bounds of human conception.

What is the duty of a Consul, but "to protect Captains"? For what object does he exist, if not for this? In these three words

words is summed up the "whole duty of man" in the Consular office. Reduced to something more difinite and tangible, the duty of an American Consul is nothing but a necessary consequence of this obvious and fundamental truth, tourit: an American Captain is not amenable to the laws of the country which he may visit. Consequently, if he sees fit to show contempt for them, and if called to account to bully and insult the authorities, what is the Consul there for, if it be not to back him in all this, and to give proof of his own patriotism and national spirit by casting it all in the shade by still more distinguished insolence? The glory of the "Star Spangled Banner", what is it good for, if it be not that the Consul may and shall shake it in the face of any defenceless nation that shall have the folly and presumption to suppose that its laws or its officers are entitled to respect from any American Captain whose pleasure it may be to set them at naught!

But if this axiom be incontrovertible in the general, how especially true and sacred must it be in this particular, — that the

Authorities

authorities of a foreign place have no shadow of right to make or meddle with anything that happens on board ship, "under the American flag." Downright murder may, possibly, be an exception. But, short of this, what an absurdity to suppose that those authorities have any right to interfere with a Captain, because of any barbarities it may have pleased him to practise "under the American flag," upon those subject to his power! This is a matter that concerns his own Government exclusively. Hence, if there be one part of the duty of a Consul which is clearer than any other, it is that of protecting Captains in this absolute exemption, by denying the right of the Authorities to meddle in any case of the kind, should they be guilty of such presumption as to advance the pretension. How ineffable an atrocity, then, in a Consul, to be the man to advance it for them; and instead of solemnly protesting against any attempt at such a violation of "American rights," to be its active instigator!

This,

This, strange as it may seem, is an unexaggerated picture of a very prevalent creed in regard to the sacred-ness of the character of an American Ship-master. "A citizen of the United States": who shall dare touch him? That is to say, when he is a Captain-citizen. As for the cattle-citizens, who herd in the forecastle, — with whom the mates may or may not be classed, as the case may be, — their citizenship is quite a differ-ent affair. What is it good for, but to entitle them to be shovelled by the dozen into jail, as unceremoniously as gravel-ballast may be shovelled into a lighter? And what a traitor to the duty of pro-tecting "american citizens," is that Con-sul, who, when called upon for his action in furthering this convenient pro-cess, instead of rendering it freely and cordially, as in duty bound, offers indignity and hindrances to the Cap-tain; such for instance, as that of requiring to see the shipping-contract, in order that, before recognizing the right of the latter to exact service and

obedience

obedience of the sailor, he may ascertain that he is bound to the vessel! But even such misdeeds as this sink into utter insignificance before the atrocity of a Consul's proving so lost to all sense of the dignity of American citizenship (in a Captain,) as, by invoking the protection of the laws in behalf of such cattle as sailors or mates, to be instrumental in the imprisonment of one of that sacred class. —

Analogous to this, and confirmatory of it, is a most obvious view of the Consular duty with respect to Commerce. Does it not consist in giving all possible protection to commerce? And what greater injuries can commerce experience than "delay" and "expense". To remove all possible causes of delay in the sending forward of sugar boxes, and to protect all concerned from being subjected to "needless expense": what does a Consul exist for, if not for this? And in what light shall a Consul be viewed, who instead of removing such causes, makes it his business to produce them, — who, instead of protecting the shipping of his country from

from being subjected to expense, is actually instrumental in bringing such hardship upon it; and this too, upon grounds so frivolous as 'altercations' between Captains and their crews, — such, for instance, as deliberate starvation, or suffocation, or mere splitting open of scalls with hand-spikes, as pastime while lying in port? Shall such audacity as this be displayed by a Consul, and he not be terrified to very limbo by the united denunciations of all Captains and all Merchants? Surely if any of either class can hesitate to join his voice to the Chorus, he must be a pusillanimous, unpatriotic wretch, lost to all sense of manliness and of the rights of 'an American citizen'. Fiat Justitia ruat Coelum! That is to say, — Let what will betide, hinder not the despatch of sugar boxes! And ~~Aud~~ woe to the Consul not duly impressed with the sacred maxim.

Such is a faithful picture of the sentiment, more or less pointed or vague according to individual character and circumstances, pretty generally

generally awakened by this case and others of like nature. To be sure it is very wrong in a Captain to act so; but what is to become of Commerce, if the Consul, instead of doing his best to have such matters hushed up or passed over unnoticed, is the very man to force them upon the attention of the Authorities? If instead of disputing their right to in-terfere, he actually invokes their in-terference?

With regard to the incidental occurrences, some were as follows:

So soon as I had examined the Articles, I, of course, formed the determination that the mate should be under my protection so far as it re-garded his personal security and liberty, which, he represented, was threatened in the most insulting manner by the Captain every time they met: when he was abused as a rascally deserter, whom he would have arrested and imprisoned as such. As, however, this was a thing which, agreeably to old established prac-tice here, could not be done without

my

my consent, the Captain's rage could in this respect vent itself in words alone. But the man had put on a suit of cloth clothes to come ashore in, leaving all his other effects on board; and he was suffering for want of other apparel. He applied to the Captain for permission to bring some clothes ashore, and was told that if he dared to set foot in his cabin he would shoot him. Under these circumstances, hoping that the Captain would finally come to his senses sufficiently at least to give the man his discharge, I advised him to bear patiently with the inconvenience for a few days, and he did so.

After the Captain's imprisonment, he still retained command of the brig; requiring the second mate, as I was informed and do not doubt, to visit him once or twice every day, to receive his orders. These not permitting the delivery of the first mate's clothes, I was under the necessity of addressing to the Captain of the Port a letter, [Enclosure No. 9] date 28 July, requesting him to send the mate on board for his effects, under the protection

Enclosure No. 9

of

of a guard; the result of which, as is seen in the Captain of the Port's reply of July 29th [Enclosure No 10] was, that the man obtained the use of his clothes after being deprived of them upwards of a fortnight.

Enclosure No 10.

Another of the incidents was as follows: A day or two after he had been taken under my protection, Mr Bell enquired if there could be any objection to his employing himself on board the Ship Romulus of Portland, then lading for Europe, and which he had discovered was in want of a mate; and the same enquiry was made by her master, Captain Webster. The laudable anxiety of the man to escape from idleness could, of course, be met by nothing but encouragement from me. He was told that I approved highly of his engaging in any occupation that offered, and that they might both rely upon my making every effort to have the case settled in time to permit his departure in the ship, which was very anxiously desired by Captain Webster.

No sooner was this known

to

to Captain Wendell than it drew upon Captain Webster the grossest abuse, to his face and every where, for "harboring his deserter," as he termed it

On the 28th. of July the Romulus was cleared at the Custom-House with a valuable cargo of sugar for Amsterdam, and the insurance made it indispensable that she should sail before the 1st of August. On the other hand, it was of the highest importance that she should have the services of Mr Bell. In consequence of this, I addressed my letter of that date [Enclosure No. 11] to the Captain General, stating all the circumstances bearing upon this point, as an explanation of "the importance to all parties that said William Bell should not be detained here; and consequently, that if it be absolutely indispensable to confront him with Capt. Wendell, the person accused by him, this should be done, at the very latest, on monday next, the 30th. inst.

Enclosure No. 11.

On the morning of the 28th., upon my going to deliver that letter, and verbally explain the importance

of

of immediate action upon it, (or else upon the morning of the following monday, the 30th July — I am not positively certain now as to which of these days it was,) the Captain General told me that he had received from Captain Wendell a letter, the purport of which he did not know, and which had been referred to the translator. Just at that moment, the Secretario Militar entered H. E's office with some papers, among which was the letter in question, which he handed to me. It was another instance of the utter recklessness of the writer, whose game, and that particularly of his instigators, was, as I had already become fully aware, to make all the mischief that could possibly be made, in the stupid belief that truth could be drowned in the shallow puddles of falsehood which they were throwing away their time in making at every grog shop and street corner, exulting in the tremendous load of responsibility which

which they fancied themselves to be heap-
-ing upon my shoulders. In pursuance
of this notable scheme, I do not enter-
-tain a shadow of doubt that had it
been in his and their power to effect
such a thing, every American Vessel
and mariner then in port would
have been detained here down to this
time; in order that all concerned
might be made duly sensible of the
inconvenience of having so unspeak-
-able a miscreant for American
Consul at Havana. This letter
stated that Captain Wendell, having
been informed that the Ship Roma-
-lus, and <u>one</u> or <u>two</u> (I forget which)
other American Ships, whose names
he gave, were about to sail, he was
under the necessity of asking the Cap-
-tain General to stop them: the Rom-
-ulus on the ground that she had on
board a deserter from his vessel; and
the other or others, on the ground that
the testimony of the Captain or
Captain's was important to him.

From the full

knowledge

knowledge I possessed of the whole case, I was perfectly convinced that the latter of these grounds had as little truth in it as there was in calling a deserter from the Kremlin, a man who was no more bound to the vessel than the Captain General himself. Upon perusing this letter, however, I perceived that it rendered futile all the steps I had taken to-wards enabling Mr Bell to go in the Romulus; and, observing to H. E. that the object which had caused me to trouble him was rendered impossible by this communication from Captn Wendell, I informed him of its contents; replacing it in his hands with an expression of my regret at the determination, which it afforded proof, to occasion all the trouble he could, and involve as many others as possible in the inconvenience which he had brought upon himself.

On taking leave of this point in the business, it may deserve mention

mention that, as Captain Webster informed me, he did all that it was possible for one man to do to bring another to reason; and, notwithstanding his repeated insults, urged Captain Wendell in the most friendly manner to give the mate his discharge and have done with the business, telling him from Mr Bell that he never had wished the extra wages, did not want them, and would willingly return the two-thirds which would be paid by me into his hands. But every effort he made only served to give rise to new ebullitions of rage, against this "Scotch renegade" (Capt. Webster is an adopted citizen) who was "harboring his deserter," (who also happens to be a native of Scotland) which deserter, he was determined to get the better of yet, and carry home in irons, spite of all the Consul could do."

On the 30th of July I received H. E's letter of that date, [Enclosure No. 12.] communicating a decision, of which

Enclosure No 12

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I was requested to notify Mr. Bell, that he must remain in the city until the decision of the case.

This decision is grounded upon an opinion of the Auditor de Guerra to the effect, "that if the result" (of certain citations and other proceedings) "should correspond with the allegations of the master of the Kremlin, then will the mate incur accountabilities."

A third incident was that arising from an allegation by Captain Wendell, that at Matanzas Mr Bell had left his vessel without leave. In the first stages of the business Captain Wendell, besides informing me that he had a right to iron his mate, because Judge Story had so decided, said that moreover he had a complaint to bring against him for having "deserted", as he termed it, at Matanzas. — This, he insisted upon mixing up with the question as to the mate's discharge. But, having found

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found on the face of the shipping con-
-tract conclusive proof that he was
entitled thereto, I informed the
Captain, as he compelled me to do
times without number, that all
these matters were foreign to the
ground upon which the man's
discharge was demanded, - that
had the shipping contract not
proved such as to entitle him to
it, then it might have been necessary
to take into consideration the treat-
-ment of which the mate complained,
and at the same time any allega-
-tion which he, the Captain, might
have to bring against the mate: But
the necessity of all this being precluded
by the contract I would not be drawn
into the discussion of any other
matter.

As, however, he appears to
have been more successful in com-
-plicating the case when it became
a topic of judicial enquiry; and as
this "desertion," which forms a highly
interesting ingredient in the current

story

story of the wrongs inflicted upon this unhappy victim of Consular tyranny, as it doubtless constituted also one of the principal means by which the "deserter" was prevented from sailing in the Romulus, and required to remain here for an indefinite period at the risk of utter destitution, – it becomes necessary that I should state the facts which constituted this notable case of desertion.

Mr Bell's account of the matter was as follows: He has a sister living in the country some miles from Matanzas; and to see this sister, which Captain Wendell promised he should enjoy an oppor-tunity to do, was the strongest of his inducements to ship with him. At Matanzas, while on shore, on the afternoon of the 4th of July, Captain Wendell informed his mate that he was going to sail next morning for Havana! The latter reminded him of his promise, and said that he must

see

see his sister before he left the country. Whereupon a dialogue took place, the details of which I have forgotten, but, as narrated by Mr Bell, harmonized perfectly with what I had seen of the two men: the Captain insisting that the mate could not make such a journey on horseback in time to be back by day-break the next morn=ing; and the mate persisting in making the attempt. It ended with the latter being told that the vessel would not wait a minute for him, and his saying that he would endeavour to reach her in a shore boat before she got out of the bay, and if that proved im=possible he would follow her to Havana in the Steamer: which last was what happened.

This conversation occurred, Mr Bell said, in the presence of a large number of American and other ship-masters; and, having about him a gold ounce which he did not like to carry on this journey,

he

he asked Captain Wendell to take care of it, and delivered it to him for that purpose.—

This is, substantially, the account of his "desertion", given by Mr. Bell, without the slightest embarrass-ment or hesitation, the moment I mentioned the subject. It bears upon its very face a strong air of probability, which receives nothing but corrobora-tion from all that I had then, or have since, seen of the two men; and it is fortified by the testimony of Captain Webster of the Romulus, who informed me that, upon meet-ing with Captn Wendell just after his arrival in this port, he com-plained of the inconvenience to which he had been put in conse-quence of his mate's having insisted upon going to see his sister near Matanzas. Captain Russell of the Schooner Liberty also stated to me that he had heard a person by the name of William B. Smith give an account of this matter, which

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account

account Smith had received from Captain Wendell himself, and corresponded exactly with that given to me by the mate.

The last of these incidents which I shall waste time in mentioning relates to the use made of the flag of the Brig, at the marine part of the celebration of Captain Wendell's imprisonment, which, upon land, was made the occasion of a series of revels within the walls of the prison, wherein, according to report, the funds that might have provided bread and fuel for "the poor wife and children" of the victim of Consular tyranny were guzzled, in the shape of fowl and champagne, by all whose disposition prompted to join in exulting libations to the certainty in prospect of "one thousand dollars a day damages" against the Consul: the apparent unconscionable severity of which assessment may be somewhat justified by the circumstance that not one of those concerned

concerned in laying it dreamed that this thousand-dollar unit could at the utmost be repeated more than half a dozen times or so; seeing that it was beyond the power of human imagination to conceive that the imprisonment of "an american citizen" (of the Captain class) could by any possible stretch of audacity be prolonged beyond a week.

Captain Wendell, retaining command of his vessel, required the second mate to visit him once or twice every day, to receive such orders as he might see fit to issue. This requisition exposed a boat's crew to a greater or less detention every day under the broiling sun, while the second mate was in communication with the Captain: and the consequence was, that the mate was very near losing his life from the fever, aided by Dr. Bumstead, one of the most distinguished patrons of the Captain's cause, to whom this case and other "medical services" required by the crew, afforded grounds for a handsome bill against

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the vessel, which, being duly "approved" by the Captain, the consignees had to pay without questioning.

The first order issued by the Captain, I will give as related to me by Henry Mc. Savage, one of the Seamen who composed the boat's crew that first enjoyed the comfort of basking in the July sun at the Punta, while the Captain was being waited upon by the mate. Savage told me that upon the mate's return to the boat, he said that the Captain had ordered him to hoist the American flag union down, and if the Consul should require of him to reverse this arrangement, "to tell the Consul to go to Hell," — and if the Captain of the Port should require it, to tell him that it should not be done "for the Captain of damnation".

If the order was not given in these words, abundant testimony might be adduced that they possess at least the merit of being in perfect keeping with the general deportment

of

of the individual to whom they are ascribed, both before and after his arrest, whom the insults which I re-peatedly heard of his having offered to the witnesses were such as would not have been tolerated for an instant by any judicial officer in our country.- Be this as it may, the flag went up "union down," and became in conse-quence a general topic of talk and enquiry; and there it might have continued flying to this hour, for any interference from me: considering, as I did, that although the exhibition was by no means a creditable one to our flag, yet, as, from the position of the Brig Kremlin, not a vessel could sail in or out of port without its at-tracting the notice of every man on board, it was likely to be attended with the good effect of giving notoriety to the case, and duly impressing upon every mind requiring to be awakened to it, the truth, that, astounding as such doctrine might be to some, yet, in the eyes of the Consul at Havana,

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a Captain is a man, and nothing more; and a mate or a sailor is a man, and nothing less; and that every american ship in port should rot at her moorings, with her flag "union down" in the bargain if it so liked the master, before any other doctrine should receive recognition from him.

This flag-foolery was kept up some days, undisturbed by any one, until the annoyance of the wretched actor or his prompters, more wretched still, at its failure to attract notice, was evinced by an improvement in the show; consisting, as I was informed, in displaying the Spanish flag hoisted over the american in its captive, upside down position; which appearing to the Captain of the Port not altogether seemly, he took measures for putting a stop to the exhibition.

It was during its continuance that another patriotic "american citizen", the purveyor of some, perhaps all, of the dainties consumed in prison revels, from his drinking establishment

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in its vicinity (the annual profits of which are doubtless handsomly rounded off by those of a safe hiding place for sailors who have to keep snug until the vessels to which they belong pass by on their way out of port,) — became so fired with zeal in the cause of liberty as to visit the Kremlin for the purpose of informing the crew that if, seduced by the example of the first mate, they should dare to give any trouble, he "would have them all put into the stocks." This was told me by Savage, whose description of the potent personage and his whereabouts was sufficient to enable him to be identified, as it was my purpose that he should be, with the accuracy requisite for addressing to the Captain General an enquiry as to the rank and authority which I was to recognize in this novel dispenser of justice to American seamen: the benefit of which enquiry he however lost in consequence of my reflecting upon the probable results to the sailors, of a contest between their memories and his ounces, in the issue of fact that would arise.

Having

Having disposed of such of the incidents to the case as seemed most necessary or worthy to be known, I will now return to the main body, and enter upon the second part, consisting of the proceedings against Captain Wendell, (so far as I posses any knowledge of them) founded upon his treatment of his mate.

I will premise, that I was verbally informed by the Assistant Mayor de Plaza, charged with the Sumario of this case — (that part which consists in the taking of testimony and preparing it for the judge, and in proposing to him such intermediate proces as the develope=ments call for,) that so soon as the first depositions had been taken, finding in them matter to require the arrest of Captain Wendell, he took measures accord=ingly, which resulted in his becoming apprised that the Captain had already got himself into jail upon a distinct ground.

Another matter which I afterwards learnt verbally was, that in the

the course of the enquiry a physician had gone on board the Kremlin in company with the assistant Mayor de Plasa; and, after being fastened down under the hatches, which the crew were called upon to do, precisely in the same way that the mate had been, (the cargo was then all out, however, and the body of air immensely greater,) he had, after taking note of the effects on the thermometer and his pulse, testified that a healthy man thus confined would die in twenty-four hours, and if three were so confined the weakest could not stand it longer than eight hours; which was about the period that Mr Bell's enjoyment of the wholesome luxury had chanced to be limited to. I say chanced, because all that I have seen or heard of the Captain's character has but tended to confirm my belief, that, had the fastening down of the hatches happened on the eve of a Sunday or on one of the strings of holy days which occur here, they would not have been

taken

taken off, nor the mate released, until the necessity of suffocating him had been made to give way before the yet more important one of unlading the vessel: the duty of "avoiding delay" and "saving expense" being one of so paramount a nature as to command attention and reverence under any circumstances, however adverse to deliberate thought.

On the 25th ult. of July I addressed [Enclosure No. 13] to the Captain General my letter of that date, enclosing an outline of the case on which was founded the complaint of the mate against the master of the Hermlein.

See No. 13.

On the 26th of July I received from the Assistant Mayor de Plaza, charged with the Sumario or Formacion de la causa in the case, his letter [Enclosure No. 14] under date the 25th ult. referring to mine of the 18th, and requesting that I would designate the witnesses who might be examined in regard to the captain's indulgence in drink, mentioned therein alleged.

See Enclosure No. 14.

This

[Enclosure No 15] This letter was replied to
by mine, of the same date, wherein was
repeated the error I had previously fallen
into of referring to the person who was
on board the Kremlin on the 11th of
July, taking note of the cargo, as belong-
ing to the house of the Consignees, where-
as he in truth was a clerk of the pur-
chasers of the cargo.

Enclosure No 15

On the 28th of July, understand-
ing that Captain Wendell had addressed
to the Captain General a memorial
containing his new version of the
mate's separation from the brig at
Matanzas, and representing him as
an habitual drunkard and most
abandoned character in all respects;
I addressed to H. E. a letter designating
as witnesses three American Ship-
masters and another American, some
of whom, I had understood to be well
acquainted with the mate's general
character, and others, to have received
from Captain Wendell himself a
totally different version of the Matanzas
"desertion".

[Enclosure No 16]

Enclosure No 16

On

On the 29th of July I received the [Enclosure No. 17] Assistant Mayor de Plasa's letter of the 28th, informing me that in the course of the trial of Capt. Wendell, it would become necessary to proceed to the ratification of the testimony of the mate and crew of the Kremlin, and to their confrontation with the accused; and requesting that I would prevent them from leaving Havana until he should inform me that those proceedings had taken place, which should be done as early as possible.

Enclosure No. 17.

On the 1st of August I received the [Enclosure No. 18] Assistant Mayor de Plasa's letter of that date, stating that in consequence of the necessity of the presence of Wm Bell at a certain proceeding (called by him a "reconocimiento,") which was requisite in the cause against Abraham Wendell, he would request me to cause him to attend at 4 o'clock that afternoon. Concerning the nature of the proceeding here referred to, I had not at the time

Enclosure No. 18

any

any ground for a conjecture even; but my present impression is, that I was afterwards told that this was the occasion on which the locality of the mate's confinement had been ex=amined by the magistrate and physician, as above stated.

On the 2nd of August I [Enclosure No. 19] received the letter, from the same, under that date, calling for the attendance of Mr Peter Crusoe, a clerk in my Consulate, with a view to his ex=amination as a witness.

Enclosure No. 19.

[Enclosure No. 20] On the 4th I received his letter, of the 3rd, requesting me to cause the attendance, at 10 oClock in the morning of the 4th, of my Vice-Consul, of the first mate of the Kremlin, and of five american ship-masters therein named. This letter was replied to by mine [Enclosure No. 21.] of the 6th August: wherein, through a mistake which I cannot now account for except by the number of subjects which disturbed my attention, I referred to his letter as having been

Enclosure No. 20.

Enclosure No. 21.

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left

left at my office upon the 4th, although from my endorsement upon it this seems to have been done between 7 and 8 o'clock on the evening of the 3rd. several hours after the closing of my office; in consequence of which it was not received by me until after the opening of my office at 9 o'clock on the morning of the 4th too late to take the necessary steps for the attendance of the witnesses at 10 on the same day.

[Enclosure No. 22] On the 4th I received his letter of that date, requesting me to procure the attendance of another American Ship-master.

Enclosure No. 22.

On the 13th of August, I [Enclosure No. 23] receeived his letter of the 12th stating that in the prosecution against the master of the Kremlin it was necessary that it should appear whether he was required by any law of the United States to pay to his mate three months extra wages, and requesting me to furnish him with an authenticated copy of any such law.

Enclosure No. 23.

This

This call upon me showed the success which had attended the efforts of Captain Wendell to confuse the case; as the endless calls for witnesses did the success of his endeavours to occasion all possible trouble and molestation, particularly to american ship-masters. The proceedings with which this magistrate was charged related solely to the violence committed by the master of the Kremlin upon the person of his mate; a subject altogether distinct from any question regarding the mate's right to his discharge under the shipping contract, or from any law touching the proper mode of discharge. Avoiding however any notice of this irrelevancy, I replied by my letter of the 4th August, [Enclosure No. 24] with its two enclosures, sent both in the english and spanish languages: all my other communications having, both to save trouble to the authorities and to secure against the risk of mistranslations, been made in spanish; but it appearing in this instance, a necessary precaution to send the enclosures

Enclosure No. 24.

in

in the original english as well as in the translations made under my eye.

On the 14th of August I received [Enclosure No. 25] his letter, of that date, with a list of fourteen persons who had been examined as witnesses, and whom I was requested to have notified to appear to ratify their testimony. [Enclosure No. 26]

To this I replied by mine, of the 15th August, informing him that almost all the persons named had left port, one was ill, and the rest would attend.

On the 27th August, I received [Enclosure No. 27] his letter of the 26th, asking for certified copies of the laws of the United States, referred to by me in my communication to the Captain General of the 18th July, as entitling the mate of the Kremlin to his discharge. [Enclosure No. 28]

To this I replied by mine of the same date, with its enclosures, consisting of extracts from the act of July 20. 1790, and from Kent's Commentaries; which were sent in english only,

only, in consequence of an intimation that it would be more agreeable to the government-translator that I should pursue that course.

This completes the history of the case of the master of the Brig Hremlon, so far as I have taken any part in it, or possess any knowledge whatever of the proceedings: the only qualification which this assertion requires, being, that, as was stated in my № 59, I repeatedly called upon the Captain General, to urge the importance of having the case brought to a close; if for no other reason, for that of releasing the mate and crew from the requirement which had been made of them to remain here. Had I felt any curiosity on the subject, and had I had time to bestow a thought upon the case further than is shewn by this communication, I should have experienced but slight difficulty in obtaining information of every step taken in the whole proceeding, by every officer or other person

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concerned

concerned. But, owing to the utter want of either curiosity or time, I profess no more knowledge of the matter, than I do of what may be going on at this moment in the tribunals of Pekin. And yet, a part of the filthy map of mendacity which the patriot champions of Captain Wendell's cause have been engaged for months past in heaping up, and in forcing the fragrance of upon the nostrils of every American, particularly, who came within their reach, consists in representing me as following up this case with all the eagerness of malignity which the workings of their own bosoms enabled them to form a conception of, and as exerting all the influence that I could bring to bear upon the subject in baffling every endeavour of the victim of my cruelty to have his case brought to a close, - nay in defeating the disposition of the authorities themselves to bring it to an end!

There remains some episodical matter, consisting of correspondence

pondence with the owners &c, which I will send at the earliest moment possible as an appendix to this communication. I will close with the remark, that the merits of this case and of others like it, turn upon the simple question, whether it is the duty of an American Consul to see men murdered under the American flag; leaving the authorities who owe them protection, under the belief, real or affected, that their Consul has power to quiet it; and ship-masters under the belief that the authorities have no right to interfere, and that to invoke their interference, may to refuse to repel it if offered, "is more than the Consul dare do."

I am Sir, very respectfully

Your Obed't Serv't

J. P. Hill.

- pondence with the owners to which
I will refer at the earliest moment
possible as an appendix to this com-
munication. I will close with
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case and of others like it, turn upon
the simple question, whether it is the
duty of an American Consul to see
that Americans under the American
flag, leaving the authorities who owe
them protection under the belief, rest or
appearance that their Consul has power
to prevent & end ship masters under
the belief that the authorities have no
right to interfere, and that to invoke
their interference, may to refuse to
repel it if appeal, is more than the
Consul dare do!

I am Sir, very respectfully
Your Obt Servt

Havana Consulate No. 62.
Consulate at Havana No. 62. Enclosure No. 1.

Consulate of the United States of America
Havana, July 12th 1838.

Capt Abraham Wendall
Brig Kremlin of New York.

Sir,

William Bell, the first mate of your vessel, has represented to me that, last night, between the hours of eleven and twelve, he experienced from you personal violence of a very outrageous character, which was followed by threats to shoot him, and then by the barbarous ill-usage of nailing him down — under the hatches, where he was kept by your positive orders, repeated this morning, without — fresh air until seven o'clock A. M. — He has further represented that the contract entered into by him is one which does not authorise your detaining him on board, and that he is determined not to return to the vessel: a determination in which he will be supported by one, — should your conduct towards him be proved on investigation to have been at all of the character represented.

This investigation he has no desire to prep for in this country. But he does insist upon

his

his discharge, under the shipping contract.

I have to request, therefore, that to-
-morrow, between the hours of 10 A.M. and 1 P.
M., you will bring or send to this Consulate, for
my inspection, the shipping articles of your vessel;
and that if he be entitled to his discharge, you
be then prepared to settle with him, pay him
his wages and deliver his effects. — Should you
fail to comply with this request, it will be-
-come my unpleasant duty to proceed forth-
-with to lay this man's case before the Gover
General, and to do all in my power, not
only for the protection of his rights in future,
but to have justice done him for the outrages
which he alleges to have suffered.

I am, Sir, very respectfully,
Your Obt. Servt.

N. P. Trist.

Havana Consulate No. 62.
Consulate at Havana No. 62.

Enclosure No. 2.

Consulate of the United States of America
Havana, July 14th 1838

Messrs De Bruinck & Spalding
Consignees of Brig Kremlin of New York.

Gentlemen,

As you may possibly have some influence over the master of the Brig Kremlin, (although from what I learn from various sources, of his general habits and deportment since his arrival here, I deem this very doubtful,) I would ask the favor of you, to use any that you may have, to induce him to conform to a request from me, made by letter on the day before yesterday, in consequence of the demand by his first mate to be discharged; which request was, that he would, on yesterday, between the hours of 10 A.M. and 1 P.M. bring or send his shipping articles to this Consulate for my inspection.

To this he has paid no sort of attention; and, but for the excuse, bad as that is, afforded by his alleged habits of intemperance, I should — proceed forthwith to lay the mate's case before the Captain General, as the master was warned that I would, in the event of his non-compliance, be

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under the necessity of doing.

Regard for the character of our flag, and also the wish to spare the individual in question the disgrace and expense which would attend the proceedings that would ensue, have induced in me a determination to postpone any further steps in the matter until one o'clock on monday next, the 16th inst.

I am gentlemen, very respectfully

Your Obd't Serv't

N. P. Trist.

Havana Consulate No. 62.
~~Consulate at Havana No. 62.~~

Enclosure No. 3.

It is agreed between the Master and Seamen, or Mariners of the Brig Kremlin of New York whereof A. Wendell is at present master or whoever shall go for master, now bound from the Port of New York to Matanzas and from thence to such Ports & places in Europe as the Master shall direct & to a Port of Discharge in the United States or from Matanzas direct to New York, at the option of the master.—

A true copy from the Shipping Articles of the Brig Kremlin of New York. Copied & compared this day.

N. P. Will.

July 14. 1838.

Havana Consulate No 62.
Consulate at Havana, No. 62.

Enclosure No. 4.

Consulate of the United States of America
Havana, July 18th. 1838.

The frequency with which Your Excellency's time has been broken in upon of late through the misconduct of American Mariners of all grades, is a source of great mortification to me; and would be of still greater but for the confidence with which I look for a better state of things, as a consequence of the proofs recently afforded them, that neither sailors nor captains shall be permitted to throw aside, as some evidently think they may with perfect impunity do upon entering this port, all respect for law, good order, or common decency.

The case with which it is now my unpleasant duty to trouble Y. E. affords, I think, a highly appropriate occasion for giving a lesson of this sort to such of our Ship-masters as come under this category. As the consequence of this communication will be, to bring the case under judicial enquiry, I will here only trouble Y. E. with an outline of it. I will premise, that the accounts which have reached me from various quarters in regard to the Captain's indulgence in drink since his arrival at this port,

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the appearance of the two men, and the conver-
-sations which I have had several times with
each, have all tended to produce and to confirm
in me a belief in the truth of the statement —
made by the complainant, who is his first mate,
and, so far as I can judge, gives every indication
that he belongs to the most respectable class of
mariners of his rank, — and is sober, intelligent,
discreet, respectful, obedient and forbearing.

The complaint is brought by
William Bell, first mate, against Abraham
Wendall, master of the Brig Hermitia of New York.

The statement made to me by the
complainant, on the 12th inst, was, that on the
day previous, the 11th inst, the said Captain was before
mid-day already very much heated with drink,
and insulted complainant while engaged in the
labors of his post, by very abusive language. — On
that night, the said Captain returned to the vessel
about 11 o'clock, still under high excitement from
liquor; and had been but a short time on board,
when he gave to complainant, who had gone to bed,
a severe blow in the chest with the end of a stick,
(the bruise from which was shown to me) which
would have been repeated, had not complainant
taken the stick from him. A blow with the fist,

which

which complainant then received in his face, com-
=pelled him to seize the Captain by the wrists and
hold them, as the only means of protecting his
person against further violence. For doing this,
the Captain told him he should be put in irons,
to which complainant replied that this was a
disgrace to which he had never in his life been
subjected, and which he could not now submit
to, conscious as he was that he had done nothing
to deserve it, and that there was nothing to render
it necessary; — that he was ready to obey any order
the Captain might give him, and go to any part
of the vessel he might direct; and if this did
not satisfy him, the Guard Ship (Boston) was
lying close by, which the Captain might, at any
moment hail, and which would send a guard
to take him (complainant) into custody: but if he
persisted in striking him, he must hold his hands.

Thereupon, the Captain ordered him to
go upon deck, which he obeyed. The Captain followed
him there with a pair of loaded pistols and irons,
which he insisted upon putting upon him,
threatening to shoot him if he did not submit.
Complainant again refused to submit to this
wanton indignity, although he thought the
probable consequence would be that the

Captain

Captain would shoot him. It ended by the Captain's ordering him between decks, an order which he immediately obeyed. The hatches were then put on, and fastened down, - the bulk heads were nailed up, and there complainant was kept without a breath of fresh air, until seven o'clock the next morning; when the hatches were taken off, and complainant availed himself of the Captain's absence to come on shore and state his case to me.

He further stated that in the shipping contract into which he had entered at New York this port was not embraced: so that, by the laws of the United States, said contract was annulled by the vessel's being brought here. And upon this ground, he demanded his discharge, reserving to himself his right to proceed against the Captain for his ill-treatment of him when they should meet in the United States.

I have accordingly inspected the said shipping contract and found it to agree, word for word, with the complainant's statement: in consequence of which, I have called upon the said master to discharge him, as he is bound to do by the laws of the United States, in the manner and form by them prescribed.

This requirement from me, the said master refuses to comply with; and after keeping the

the matter in suspense several days, in order to allow him time for sober reflection, and in the hope that if that could not bring him to reason, such an effect might result from the advice given to him by his respectable consignees in this city, Messrs De Forrieck and Spalding; I am now placed under the necessity of having recourse to Y. E. with the request, that,

1st. The said Captain be forthwith compelled to comply with my requirement in favor of his said first mate, by immediately giving to him his discharge in my presence: paying his wages into my hands, as required by the laws of the United States, and delivering his clothes and effects: so that he may be enabled to proceed without delay on a voyage in another American vessel, where he has an opportunity of employ-ment.

2nd. — That Y. E. be pleased to order such proceed-ing in reference to the said Captain, as may be deemed proper, upon the complaint of the said William Bell, his first mate, for the alleged outrages committed upon his person while under the protection of the laws of this country.

The said Captain has been

warned

warned of my determination, should he place me under the necessity of troubling H. E. on this subject at all, to lay the whole case before you; and that proceedings against him on the part of the authorities would be the consequence.

I have the honor to be, with the highest consideration, Your Excellency's

Obed.t Serv.t

N. P. Trist.

His Excellency Don Joaquin de Espeleta

&c &c

Captain General

&c &c &c

CAPITANIA GENERAL
de la
SIEMPRE FIEL
ISLA DE CUBA

Habana July 20. 38

Con esta fecha digo al Capitan del Puerto lo que sigue.

"A solicitud del Sr. Consul de los Estados "Unidos de America, he determinado que el Capitan del Bergantin Kremlin Mr. Abraham Wendell sea compelido á entregar á presencia del mismo Sor. Consul la dimision del Pilotin de dicho buque Guillermo Bell pagandole sus salarios en manos de repetido Sr Consul y exigiendo su ropa y efectos para q. pueda regresar á los Estados Unidos en otro buque, lo q. manifiesto á V. para que tenga efecto dicha providencia en el concepto de que estoy enterado de ella al mencionado Sr Consul."

Lo que trascribo á V. con encargo á su of. de 18 del act., manifestandole q. oportunamente le intimé de mi determinacion con respecto al procedimiento q. debia tomarse contra el Capitan del citado buque.

Dios

Contador de Habana No. 62. Enclosure No. 5.

guarde á V.S. muchos años. Habana 19.
Julio de 1838.

Benjamin Delafield

Sor. Consul gral de los Estados Unidos, en esta plaza.

Capitania del Puerto
DE LA
HABANA.

Rec.o 20 de Julio 1838 -
a 1/4 past 6 Clock A. M.

Enclosure No. 6.

Consulate at Havana, No. 62.

En fecha 19 del corriente he recibido un oficio del Escmo Sor Gobor y Capitan, que copio á continuacion.

"A solicitud del Sor Cónsul "de los Estados Unidos de "América, he determinado que "el Capitan del bergantin Kremlin Mr. Abraham Wendell sea compelido á entregar á presencia del mismo Sor Cónsul la demision del primer piloto de dicho buque Guillermo Bell, pagándole sus salarios en manos del repetido Sor Cónsul y exhibiendo su ropa y efectos para que pueda regresar á los Estados Unidos en "otro buque: lo que par"ticipo á V. que he dado "la órden para que el

Capitan y Piloto del bergantin, Klemlin se presenten á las 9 de esta mañana, para que tenga efecto la órden de S. E. sirviéndose V. al mismo tiempo participarme de quedar cumplida esta superior resolucion, para que sin perdida de tiempo, elevarlo al conocimiento de S. E.

Dios que á V. m.s a.s

Habana y Julio 20 de 1838.

Juan de Montano

Sor Consul de los Estados Unidos S.

Havana Consulate No. 62.
Consulate at Havana, No. 62.

Enclosure No. 7.

Consulate of the United States of America.
Havana, July 20. 1838.

I regret to be under the necessity of inform-ing you that Captain Abraham Wendell, under the pretext that he understands the order of H.E. the Captain General in a different sense from that in which I do, refuses positively to comply with the first require-ment which I make of him under that order; which requirement is, that the said Captain shall produce to me the Shipping Articles or Contract, in order that discharge of the first mate may take place in conform-ity with the Laws of the United States which govern the subject. God preserve you many Years.
Havana, July 20. 1838.

N. P. Trist.

To the Captain of the Port.

Capitania del Puerto
DE LA
HABANA.

Ud. July 25. '38

Excelentisimo No. 5.

Contestado el Havana, No. 6 d.

El Escmo Sor. Capitan Gral de esta Isla con oficio fecha de hoy me dice lo que á la letra copio.

" El Sor. Consejero honorario " Auditor de de Prra me ha. " consultado lo que con mi de- "creto es como sigue.= Escmo. "Sor.= Es de cumplirse estric- "tamente lo dispuesto por VE. "en 19 del corriente con encar "go al Capitan del Puerto, q.e "de no prestarse á lo preve- "nido, lo ponga preso en la "Carcel publica y sin perjui- "cio debe procederse por la Pla- "za á la Sumaria averigua- "cion de los hechos que refie- "re el Sor. Consul de los Es- "tados Unidos de America "en su oficio del 14 del mis- "mes.= Salvo &ca Habana

"y Julio 23 de 1834= Excmo
"Sor= Felipe Martinez
"Habana 24 de Julio de
"1834= Hagase en con
"todo como se propone en
"el anterior dictamen con
"que me conformo=Espelet

Para dar cumplimien
to a la primera parte de
dictamen del Sor Auditor
aprobado por S. E, he ord
nado al Capitan del ber
gantin americano Rober
lin, que en cuanto del Pil
to se presente a las nue
de esta mañana ante V.
para efectuar el pago de
primero al segundo, en
la inteligencia, que de n
quedar cumplida la res
lucion de S. E. se servira
V. communicarmelo sin pr
dida de tiempo, p.r q.e desa
esa su casa de V. para
a la Carcel dho. Capitan.

Lo que participo a V.

p.r su inteligencia
Dios gue a V m.s
a.s Hab.a 25 Julio 25/34

Juan de Montano

Consul de los Estados
dos de America

Havana Consulate N°. 62.
Consulate at Havana, N°. 62.

Enclosure N°. 1

Consulate of the United States of America
Havana, July 28th 1838.

Sir,

It is now sixteen days since Mr William Belt, who arrived at this port as first mate of the Brig Franklin (which vessel he left on the 12 inst, as he had a clear and unquestionable right to do,) has been separated from his clothes and effects, which have been detained on board by the master of said Brig, in defiance of the order of His Excellency the Captain General first given on the 19th inst, and since repeated.

The said master is now in confinement, in consequence of his refusal to obey that order, and the second mate is in charge of the vessel. I have therefore to request that in fulfilment of the intention of the said decree of H. E. you will require the said second mate to deliver to the said first mate his clothes and effects, and

provide

Havana Consulate No. 62.
Consulate at Havana No. 62

Enclosure No. 11.

Consulate of the United States of America
Havana, July 28. 1838.

I beg leave to trouble Your Excellency with the following statement, in relation to the critical position at this moment of the Ship Romulus of Portland, and of the individual named William Bell, now first mate of said Ship, who arrived at this Port as first mate of the Brig Kremlin, and on whose behalf I addressed to Y. E. the complaint against the master of said Brig which is the foundation of the investigation now going on.

Upon severing his connexion with the Brig, it became absolutely necessary for William Bell to take immediately some step towards engaging anew in the employment on which he depends for his support and that of his family residing in New York. = His first thought was to return there forthwith, a passage being offered him by several American Ship-masters, who were well acquainted with his character, and sympathized in his situation. = This intention was referred to in my first communication to Y. E. and is noticed in Y. E's. ofcio to me of the 19th inst, giving the order for the regular discharge of said William Bell from the Kremlin and the delivery of his effects, "in order that he might embark" &c

Before doing so, however, an opportunity of employment offered on board the Ship Romulus, the mate of whom had been discharged, and whose post was accepted by William Bell. —

The

The Ship Romulus was cleared to-day at the Custom House, with a valuable cargo of sugar for Amsterdam, and it is indispensable, on account of the insurance, that she should sail before the first of August; which she must do, even should she be obliged to sail without a first mate.

This will sufficiently explain to H.E. the importance to all parties that said William Bell should not be detained here; and consequently, that, if it be absolutely indispensable to confront him with Captain Wendall, the person accused by him, this should be done, at the very latest, on Monday next the 30th inst.

I have the honor to be with the highest consideration,

Your Excellency's Obed.t Serv.t

N. P. Trist.

His Excellency Don Joaquin de Espeleta

&c &c

Captain General

&c &c &c

Enclosure No. 10

Consulate at Havana No. 62.

Capitania del Puerto
DE LA
HABANA.

Nov. July 29. '38

Sam luego como llegó á mis manos el Oficio de V. fha de ayer, mandé al Ordenanza de esta Capitanía de Puerto pasase abordo del Bergantin Franklin en reunion del Piloto Mr. Bell pa. que este recibiese su equipage, el que le fue entregado en el acto; Y lo pongo en el conocimiento de V. al contestar á su citado Oficio.

Dios gue á V. ms. as.
Habana 29 Julio 23 de 1838

Juan de Montano

Sor Consul de los Estados Unidos de Amca.

CAPITANIA GENERAL
de la
SIEMPRE FIEL
ISLA DE CUBA

Vel.d July 30. 38

Con esta fha. me ha consultado el Sr. Consg.o honorario y Abd.r de Guerra lo siguiente

„ Exmo. Sr.= Examinado y.r el estadior esta se
„ maria encuentra que pueden evacuarse algunas citas
y otras diligencias en las cuales si resultan de conformi
dad a lo q.e manifiesta el cap.n del bergantin americano
Kralin M.r Abraham Wendell, tiene responsabilida
des el piloto M.r Guillermo Bell, p.r cuya razon opina
el estadior q.e es de prevenirsele no se ausente de esta ciu
dad hasta las resultas de la presente actuacion comuni-
candose al Sr. Consul de su nacion y al capitan del Puer
„ to y q.e se devuelva el sumario al Juez fiscal d.a q.e lo
„ continue hasta su conclusion dando cuenta"

Y habiendome conformado con este dictamen
lo trascribo a V.S. p.a su noticia y q.e se sirva ha
cer al referido Piloto la indicada prevencion.

Dios guarde a V.S. m.s a.os Habana 30
de Julio de 1838

Ignacio de Espeleta

Sr. Consul de los Estados Unidos de America

Havana Consulate No. 62.
Consulate at Havana, No. 62.

Enclosure No. 13.

Consulate of the United States of America
Havana July 25th 1838.

Deeming it my duty on all occasions wherein I am under the disagreeable necessity of troubling Your Excellency in regard to the misconduct of the masters or crews of American Vessels, to facilitate so far as may be in my power, the labors thereby imposed upon the authorities charged with the investigation of such cases, I beg leave to enclose to Your Excellency the accompanying notes, presenting an outline of the case on which is founded the complaint of William Bell, first mate of the Brig Kremlin of New York, against Abraham Wendell, master of said Vessel. —

I have the honor to be, with the highest consideration,

Your Excellency's Obed Servt

N. P. Trist.

His Excellency Don Joaquin de Espeleta
&c &c
Captain General
&c &c &c

Enclosed in the letter of the Consul of the United States of America under date July 25. 1838, to His Excellency the Capitain General.

Notes on the subject of the Complaint of William Bell, first mate of the Brig Kremlin of New York, against Abraham Wendell, master of said vessel.

Said complaint is:

1st.- That on the 11th of July 1838, about mid-day, said complainant being then engaged in the labors of his post in discharging the cargo of said vessel, the said master being then heated with liquor, as he has been almost all the time since his arrival at this port, did, without provocation, insult said complainant by very abusive language, and behave very outrageously.-

The witnesses whose declarations may be taken in regard to the said master's deportment on this occasion, are, the second mate Channcey Fitch, the rest of the crew, whose names are Wm. Crumley, James Low, Henry M. Savage, Chas. Melikin, James Lloyd Abraham Barnes and Chas. Williams, and Wm. S. Bruce and also ~~_____~~ ~~_____~~ and ~~_____~~

two gentlemen employed in the house of Debominck and Spalding of this City, the former of whom was at the time

on

on board, taking note of the cargo, and the latter came alongside in a boat, and was deterred from going on board by the disturbance the said master was making.

2d. That on the night of the same day, about the hour of eleven, the said master returned to his vessel, still heated with liquor. — Complainant who had been sitting up for the master's return, then retired to his berth. While lying there, complainant without any provocation from him, received from said master a severe blow in the breast, given with the end of a stick, which the master held with both hands in order the more effectually to drive it into complainant's breast. — Thereupon Complainant jumped up and took the stick away from said master, who then gave him a heavy blow in the face with the fist, which caused his nose to bleed profusely. Complainant, knowing it to be his duty not to strike the Captain of the vessel, even in his defence, abstained from doing so, and only seized him by the wrists, telling him that if he persisted in beating him he must hold his hands to prevent it. — To this violence succeeded an order from said Master, requiring complainant to submit to be ironed, and threatening to shoot him if he refused. — Complainant offered to go to any part of the vessel the master might designate, and remain there; and if this did not satisfy him, he requested that the master would hail the

guard

guard-ship (which was close by) and send him on board as a prisoner:- but he could not consent to be ironed. — He was then ordered upon deck, whither he was followed by said master, armed with a pair of loaded pistols and carrying a pair of irons which he insisted upon being allowed by complainant to put upon him. Complainant expected every instant to be shot, but persisted in refusing to be ironed. He was then ordered to go between decks; — and upon his obeying this order, the hatches were put on by the order of the master who nailed them down, and then proceeded to close the bulk heads, fore and aft. In this situation Complainant was kept suffering dreadfully from the heat and want of air, until seven o'clock the next morning; and would probably have been kept much longer, had it not been necessary to take off the hatches for the purpose of unlading the vessel.- During this confinement, Complainant found that he could not lie down without danger of suffocation, and he had to stand sucking the air through a crack which he was so fortunate as to find in the Cabin bulk head.- Early in the morning he hailed the 2d. mate and begged that he might have some fresh air; but the 2nd. mate replied that he dare not,- that the Captain had gone on shore, after giving him the most positive order not to open any thing until he should return and give the order.- After giving the order at 7 o'Clock, to take

off

off the hatches, the Captain again went on shore
and complainant availed himself of the opportunity
to call to one of the surrounding vessels for a boat,
which was sent him from an American Brig, fro
which he got conveyed to Casa-Blanca, and thence
the City, when he immediately proceeded to lay h
case before the American Consul.

The second mate, witnessed th
whole proceeding; and the remainder of the crew
witnessed the part that happened after complainan
had been ordered on deck.—

Recd. July 26. 38

Plaza de la
Havana

Encargado por el Exmo Sor Capitan General de la formacion de la causa relativa á la ocurrencia habida abordo del bergantin Americ° Kremlin entre su Capitan y el primer piloto del mismo, y apareciendo del oficio de V.S. de 18 del actual dirigido al mismo Exmo Sor, que ha llegado á noticia de V.S. que el citado Capitan se halla entregado á la bebida; se hace indispensable interrogar las personas que le han impuesto de ello, y en su consecuencia espero se sirva V.S. manifestarme el nombre de cada una y lugar de su residencia p.a los efectos que dejo indicados.

Dios guarde á V.S. muchos años. Habana 25 de Julio de 1838.

El Ayud.te Mor
Manl. de Sesa
y Alderete

Sor. Consul de los Estados Unidos en esta Plaza

Havana Consulate No. 62.
Consulate at Havana. No. 62.

Enclosure No. 15

Consulate of the United States of America
Havana July 25th. 1838.

Sir,

I have the honor to acknowledge the receipt to-day of your favor under date of yesterday, informing me that you have been charged by His Excellency the Captain General with the formation of the cause arising upon the complaint of the first mate against the master of the Brig Kremlin of New York; and requesting that I would indicate the witnesses who might be summoned in regard to the said Captain's habits of drink.

I have the honor, in reply, to designate to you Mr. W. S. Bruce, a gentleman employed in the house of DeBonnick and Spalding, and from whom, besides his own testimony, can be had the name of one of his companions in said house, who was employed in discharging the cargo of the Kremlin, whereof said House are the consignees.— To these may be added the whole, or any portion, of the crew of the Kremlin including John Fitch, the second mate.— Two highly respectable American Ship-masters, whom I have heard speak of the general habits and deportment of the master of the Kremlin, have now left here in their Ships: but the subject is one of such notoriety, that if it were deemed necessary to swell the list of witnesses, I have no doubt that dozens of names might without difficulty be procured.— I have the honor to be, Sir,

with great respect, Your Ob.t Serv.t

N. P. Trist.

Don Manuel Perez de Alderete
~~Sub Mayor~~ Assistant Mayor de Plaza
&c &c.

Consulate at Havana, N. 62. Enclosure No. 16

Havana Consulate N. 62.

Consulate of the United States of America
Havana, July 28. 1838

I beg leave to address to Your Excellency the following names of witneyes who may be examined in relation to the case of the Brig Kremlin; and particularly upon the point concerning the general deportment of Abraham Wendall the master of said vepel, since his arrival here; and the truth of the representations made, as I am informed, in a memorial from him to Y. E. in regard to the general character of William Bell the first mate, and <u>especially to the circumstances under which the latter became temporarily separated from said vepel at Matanzas, with the expreß consent of said master.</u>

The names are:

Joseph Webster master of the Ship Romulus of Portland,
Leonard Russell, master of the Schr. Liberty of New Orleans,
Richard. L. Ward, master of the Barque Rapid of New York,
Mr Wm B. Smith, resident in this City.

I have the honor to be, with the highest consideration,

Your Excellency's Obed.t Serv.t

N. P. Trist

His Excellency Don Joaquin de Ezpeleta
&c &c
Captain General
&c &c &c

Ud. July 29. '38

Plaza de la

Habana

Como en el transcurso de la Causa que sigo de orden del Escmo. Señor Capn. Genl. sobre la ocurrencia entre el Capn. y el Piloto del Bergantin Americano Krentlin, será necesario proceder á la ratificacion y Careos del mencionado Piloto y demas individuos de la tripulacion del mismo buque con el acusado; Suplico á V.S. se sirva disponer que los mencionados individuos no se ausenten de esta Plaza hasta tanto que evacuados estos actos con la brevedad posible avise yo á V.S. quedan espeditos

D. U. S.

que. a V. m. d. a. Habana
de Julio de 1838.

El Ayud.te Mayor

Manl. Sanz
a Rubricado

Sor. Consul General de los Estados Unid

era de la Habana

Vedt. August 1st 1838.

En la causa q.e instruyo de orden del Exmo Sñr Capn. Genl contra Mt. Abraham Mendes p.r exacc.n de necesidad practicar cierto reconocim.to á q.e se ha concretado Mt. Guillermo Bott, y al q.e no lee de encarga á V. S. de mi orden disponga q.e el exp.do Bott se presente en mi casa á las cuatro de la tarde de este jueves dia

Dios g.de á V. S. m.s a.s Mans.a
1.o de Agt.o de 838

El Ayud.te Mor

Manl. Sanz
de Alderete

Consul Gral de los Estados del Norte de Amca - - - - - - -

Ue. Aug. 2. 38

a dela Habana

Debiendo ser interroga
do en una Causa que ins
truyo de orden del Escmo.
Sr. Capitan General, Mr.
Peter Cruese, espero se sir
va Vs. disponer que inme
diatamente se presente
en mi Casa con el fin
que lleva espresado.

Dios gue. a Vs. m.s a.s Ha-
bana 2 de Agosto de 1838

El Ayud.te Mayor

Mar.l Gen
a

or Consul Gen.l delos Es
Unidos de America

ra dela Habana

Ue? Aug 4. '38
(Brought to the Consulate evening of 3rd between 7 & 8. O'clock.)

Debiendo ser interrogados en una Causa que está á mi Cargo el Sr. Piloto que fué del Bergantin Americano Kremlin, el Vice-Consul, dela misma Nacion y los Capitanes de Buques Mr. Leyton, Mr. Doughty y Mr. Munay, Mr. Coe y Mr. Vincente merece á V.S. se sirva disponer que á las 10 del dia de Mañana se presenten en mi Casa situada en la Calle dela Amistad segunda Casa entrando por el Campo Militar.

Dios gue a V.S. m.s. a. de Habana 2 de Agosto de 1838

El Ayud.te Mayor
Manl. de Peru
de Mendoza

Consul Gen.l delos Estados
os de America

Havana Consulate N.° 62.
Consulate at Havana, N.° 62.

Enclosure N.° 21.

Consulate of the United States of America
Havana, August 6. 1838.

Sir,

Owing to my absence from this office on the 4th inst, at the hour when your favor of the 3d was left here, it was out of my power to take upon that day the steps requisite for a compliance with your request, by causing notice to be given to the persons therein named to appear before you at the time appointed.

I have now the honor to state in reference to those persons;

That the first named, (the first mate of the Brig Hermelin) will appear before you this day.

That the second named, Mr John A. Smith, my Vice Consul, is suffering under an infirmity which has not permitted him to go down stairs for upwards of eighteen months past, during the whole of which he has never once left the upper part of the house. He could not be transported to your house in any way, without very great inconvenience, and perhaps serious consequences. ~~Under~~ it therefore, be deemed important to take his declaration, I would ask the favor of you to do so at my Consulate, at such time as may be most convenient to you.

you.

With regard to the Ship-masters named on your list, Captain Leighton was taken very ill with the fever immediately on his return from your house some days ago, and is still too weak to present himself.

Capt.n Doughty and Captain Murray inform me that they were before you yesterday.

With regard to Capt.n Cox and Captain Vincent, the two last names on your list, they are unknown at this Consulate, nor can I obtain information of any such American Ship-masters now in port.

I have the honor to be, very respect=
=fully Your Obed.t Serv.t

N. P. Trist.

Sr. Dn Manuel Perez de Alderete
Assistant Mayor de Plaza
&c &c

Ms. Agt 4. '38

ra dela Habana

Debiendo ser interrogado
en una causa que instruyo
de orden del Escmo. S.r Capn.
General Mr. Seth Jordan,
Capn. del Bergantin Ame
ricano Plant, cuyo indi-
viduo se halla desembarca
do, espero se sirva V.S. dis-
poner que á la mayor bre
vedad se presente en mi
Casa situada en la calle
dela Amistad segunda
cuadra entrando por el
Campo Militar.

Dios gue. a V.S. m.s a.s Haba-
na 4 de Agosto de 1838

El Ayud.te Mayor

Manl. Perez
a Albertos

Consul Gen.l de los Esta-
dos Unidos de America

Plaza de la Havana

Rec.d at half past 6 Oclock P.M.
13th August 1838.

Necesitando hacer constar en la causa que de orden del Exmo Sor Capitan General estoy instruyendo contra Mr Abraham Wendell, Capitan del bergantin Americ.o Kremlin, si en las Leyes que rigen en los Estados Unidos hay alguna por la cual este obligado dicho Capitan en el caso que ha motivado esta sumaria, á satisfacer al Piloto Mr Bell tres meses estraord.s de sueldo; espero que si es así se sirva V.S. hacerme una copia autorizada de ella para q.e sobre ella actuacion los efectos correspondientes.

Dios guarde á V.S. muchos años
Habana 12 de Agosto de 1838—

El Asyd.te mor

Manl. Sein

Consul Gral de los Estados Unidos

Havana Consulate No. 62.
Consulate at Havana, No. 62.

Enclosure No. 24.

Consulate of the United States of America
Havana August 14th 1838.

Sir,

I have the honor to acknowledge the receipt yesterday of your ofcio of the 12th inst, wherein you state that in the proceedings now carrying on by order of H. E. the Captain General, against Abraham Wendell, master of the Brig Kremlin of New York, it is necessary that it should be made to appear if there be among the laws of the United States any whereby, in the case which has given rise to these proceedings, he was under the obli=-gation to pay to his mate William Bell, three months extra wages; and you request me, if there be such a law, to furnish you with an authenticated copy thereof.

In compliance with which I have the honor to enclose a copy in the English language (No1.) together with a translation of the same into Spanish (No2.), of the third section of an Act of the Congress of the United States of America passed on the 28 day of February 1803, entitled "An Act supplementary to the Act con=-

cerning

-cerning Consuls and Vice-Consuls' and for the further Protection of American Seamen."

From this you will perceive that the obligation to pay the three-months extra wages is imposed, 1st. in every case where the sale of an American vessel in a Foreign country is attended with the discharge of her crew, (which may be considered as taking place without their consent;) and 2dly in every case where, without any sale of the vessel, a mariner designated on the Crew-List as an American citizen shall, with his own consent, be discharged in a Foreign country.

In the present case, the mate of the Kremlin, had, under the Shipping Contract, an unquestionable right to his discharge, and it was indubitably the duty of the Captain to give it to him on demand. Had this duty been fulfilled, it would have been a case of the discharge of an American Mariner "with his consent;" in which the Consul could not avoid demanding the payment of the three-months extra wages; and no tribunal having power to enforce the execution of the contract between the mate and the vessel could protect the former in his right to be discharged, without at the same time decreeing the payment of the extra wages: these being a part of said Contract inseparably attached to it by the law of the United States, by which alone the obli-

-gations

-gation resulting therefrom could be determined.

For the purpose of sparing you trouble by removing all doubt in regard to the proper interpretation of the law herein enclosed, I enclose also an extract (No 3.) with its translation into Spanish (No 4.) from a letter addressed to me by the Secretary of State of the United States, under date the 22nd. of June 1836. This letter was occasioned by my having given my consent, without requiring the payment of the three-months extra wages, to an arrangement between the masters of two american vessels in this port, whereby they exchanged their respective mates, for the sole purpose of enabling one of these to return to the United States instead of proceeding to Europe where his vessel was bound. Even in regard to such a case as this, I was, as will be perceived from the enclosed extract, instructed that the law was imperative, and that I could not dispense with its execution.

I will close with the request that the master of the Brig Brenden be required to produce to you the written Contract with his crew: to the end that the original or an authenticated copy thereof may be attached to the other documents of the case. If it should appear proper to remit it to me for the purpose of furnishing a copy thereof,

authenticated

authenticated by the Seal of this Consulate, this shall be done.

I have the honor to be, with great respect

Your Obed.t Serv.t

N. P. Trist.

P

Señor Don Manuel Perez de Alderete

Assistant Mayor de Plaza

&c &c

[In Enclosure No. 24.]

An Act supplementary to the "Act concerning Consuls and Vice-Consuls," and for the further protection of American Seamen. Passed February 28. 1803.

Section 3. And be it further enacted, That whenever a ship or vessel belonging to a citizen of the United States shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the Consul, Vice-Consul, Commercial-Agent, or Vice-Commercial Agent, the list of his ship's company certified as aforesaid, and to pay to such Consuls, Vice Consuls, Commercial Agent, or Vice Commercial Agent, for every Seaman or Mariner so discharged, being designated on such list as a citizen of the United States, three months' pay over and above the wages which may then be due to such mariner or seaman, two thirds thereof to be paid by such Consul, or Commercial Agent, to each seaman or mariner so discharged upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund

for

for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months, by the persons receiving the same.

[In Enclosure No. 24.]

Extract from a letter from the Secretary of State of the United States of America to the Consul of the United States of America at Havana, dated Washington June 22nd 1836.

"This omision leads me to suppose "that you have considered the case as one in which "extra wages are not required to be paid, inas-=much as the mate was discharged at his own request, for the purpose of returning to the United States. The Act, however, makes no exception in favour of such cases. Nor can the Consuls dispense with the payment of the whole three months wages. It may be in the power of the master and seaman, partially, to de-=feat the operation of the law, by the latter repay-=ing to the former that portion of the wages which may come into his hands. But Consuls are not, for that reason, to dispense with the execution of the law. It is moreover to be observed that there is no portion of the wages which accrues abso-=lutely to the United States for the purposes described "in the act, and over which neither the master, "seaman nor Consul has any controul."

Plaza de la Havana

Rec.d August 14. '38
Rec.d at ½ Clock P.M.
½ past 9. P.M.

En la causa que sigo de orden del Exmo. Sor Capitan General contra Mn Abraham Wendell, Capitan del Berg.a Americano Kremlin, deben ratificar sus declaraciones los individuos que constan de la adjunta relacion, en cuya virtud espero se sirva V.S. prevenirles se me presenten el dia de mañana á las nueve y media de ella con ese objeto.

Dios guarde á V.S. muchos años
Havana 14 de Agosto de 1838.

El Ayud.te mayor
Manl. Perez
R. Moreno

Sor Consul Gral de los Estados Unidos en esta Plaza.

Consulate of the United States No. 20.

Relacion de los individuos que deben presentarse á ratificar sus declaraciones en la causa del Capitan Abraham Wendell el dia 15 del actual á las nueve y media de la mañana ante el Ayudante mayor de esta Plaza.

Capitan de la Barca Wm Smith	Wm Silas Mariner		1
Segundo piloto de id	James Crossman	(gone)	2
Marineros de id	Basilio Jordean		3
	Jra Prince		4
	Alejo H Duerens		5
Capitan del Bergantin Franklin	Mr Prince Hitchcock	(gone)	6
	Mr Jesse B Leighton	(Plant Sic 15)	7
Capitan de la Fragata Rapid	Mr Richard L Ward	(gone)	8
Id de la Goleta Liberty	Mr Leonard Russell	(gone)	9
Id del Bergantin Forest	Mr Peter G Winslow	(gone)	10
Marinº de id	Wm Warren	(gone)	11
	Mr Peter Crusoe		12
	Mr Joseph Doughty	Dog Lunes	13
Capn del Bergn Sistem	Mr John B Murray	gone	14

Havana 14 de Agto de 1838
Manl Pena
Jr Escribano

at half past 9 o'clock to day
15 Lieu

Havana Consulate No. 62.
Consulate at Havana No. 62.

Enclosure No. 26.

Consulate of the United States of America
Havana August 15th 1838.

Sir

I have the honor to acknowledge the receipt, last night, of your ofcio of the 14th enclosing a list of fourteen persons, all masters and seamen of American vessels, with one exception, who have been examined as witnesses in the case of Abraham Wendall, master of the Brig Kremlin of New York, whom you request that I will cause to be notified to appear at your house this morning at half past nine o'clock.

Of these mariners all have left the port in their respective vessels, excepting Mr Jesse B. Leighton, master of the Brig Plant, who has been detained here by sickness, which I am informed, still continues; and Mr Joseph Doughty, master of the Brig Luna, who will attend in compliance with your summons, as will also Mr Peter Crusoe, a clerk in this Consulate.

I have the honor to be, with much respect
Your Obed.t Serv.t
N. P. Trist.

Don Manuel Perez de Alderete
Ass.t Mayor de Plaza
&c &c

de la Habana

Rec.d Aug.t 27.th 38 at half past 7. o'Clock A.M.

En el Oficio que V.S. dirigió al Exmo. Señor Capitan General en diez y ocho de Julio ultimo manifiesta que por las leyes de los Estados Unidos quedó anulado el contrato de embarque que celebraron en New-York M.r Abraham Wendell y M.r Guillermo Bell por haberse traido el buque á este Puerto que no se menciona en él; y tambien con arreglo á las mismas leyes, obligado el Capitan á reconocerle de la embarcacion; y siendo preciso obren en la Causa dichas leyes, espero se sirva V.S. pasarmelas en Copias autorizadas.

Dios gue. á V.S. m.s a.s Habana 26. de Ag.to de 1838.

El Ayud.te Mor

Man.l Pons

Consul de los Estados Unidos de America.

Havana Consulate No. 62.
~~Consulate at Havana~~ No. 62. Enclosure No. 28.

Consulate of the United States of America
Havana, August 27, 1838.

Sir,

I have the honor to acknowledge the receipt of your ofico under date the 26th inst, wherein, referring to that addressed by me under date the 18th July last to H. E. the Captain General, you request to be furnished with authenticated copies of the Laws of the United States referred to in the statement therein made by me in regard to the right of William Bell, first mate of the Brig Kremlin of New York, to demand his discharge: to wit, - that, in the Shipping Contract entered into by him at New York, the Port of Havana was not embraced; and that consequently, by the laws of the United States, said contract became dissolved by the Brig's being brought here.

In compliance with your request, I have the honor to enclose, (marked Enclosure No 1.) an authenticated copy of portions of an Act of the Congress of the United States, passed on the 20th day of July 1790, entitled "An Act for the government and regulation of seamen in the merchants' service"; and also, (marked enclosure No 2.) authenticated extracts from "Commentaries on American Law", by Chancellor Kent of New York, one of the most eminent Jurists and highest legal authorities known to the Tribunals of the United States.

To these enclosures I will add a few remarks

remarks for the purpose of pointing out their relevancy to the point in question.

There is not, so far as I know, any special Act of the Legislature of the United States for the purpose of dissolving the shipping-contract between the master and crew of a vessel, when the latter shall be taken to a port not embraced in such contract. No special law of the kind could be requisite: the dissolution of the contract under such circumstances resulting necessarily from the very nature of the thing; whose essence consists of definite obligations, and which, beyond those obligations, cannot have any existence. No mariner can be bound to a vessel, except in consequence of a voluntary engagement; and no engagement can bind him except in conformity with the agreement which constitutes its very essence, and beyond which it has no being. An engagement to serve on board a vessel on a voyage from New York to Matanzas, and from Matanzas to Europe, is not an engagement to serve on a voyage from Matanzas to Havana; and if a man who has entered into the former is brought to Havana, he is from that moment free, for the simple reason that there is not any thing to which he can be said to be bound. If he be not free, there must be some obligation under which he can be said to be. What is that obligation? Who can define it?

This results necessarily from the essential nature of contracts in general, and there was no necessity for any special law to declare that this result should take place in regard to shipping contracts in particular.

But although no such special enactment was requisite to produce the result, it has received from the Congress of the United States

a

a special recognition in the body of another enactment, the object of which was to provide for the arrest of deserters from Merchant vessels. — In this law, as will be perceived from Enclosure No. 1, it contained an express recognition, that if the "voyage" mentioned in the contract shall have been "altered," the Contract shall be considered as dissolved, just the same as it would be if the voyage had been "finished."

The enclosure No. 2. will be seen a proof of the strictness with which the Tribunals of the United States guard the rights of the sailor in this respect, by protecting him against being taken on any other voyage than the voyage or voyages clearly defined in the agreement. A shipping contract wherein the voyage was defined to be "From New York to Curraçoa, and elsewhere," was decided to be binding upon the Crew only from New York to Curraçoa, and no further. The words "and elsewhere" were considered as having no binding effect whatever upon the crew, because of the uncertainty in which they left them as to their destination or term of service, which the law not only requires to be strictly adhered to when clearly specified, but will not permit to be left in doubt; positively requiring that the voyage or voyages shall be clearly defined, for the express purpose of enforcing a strict conformity to them.

I have the honor to be, with much respect, Sir

Your Obed.t Serv.t

R. P. Fist

To Don Manuel Perez de Alderete
Assistant Mayor de Plaza
&c &c

~~Enclosure No 1~~

[No Enclosure No. 28.]

Extracts from an act of the Congress of the United States of America, entitled "An Act for the government and regulation of seamen in the merchants service."

"Section 1st. Be it enacted by the Senate and House of "Representatives of the United States of America, in Congress "assembled, That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state to a port in any other than an adjoining state, shall, before he proceed on such voyage, make an — agreement in writing or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the "voyage or voyages, term or terms of time, for which such "seaman or mariner shall be shipped."

"Section 7th. And be it further enacted, That if any seaman "or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of peace within the United States (upon the complaint of the master) to issue his warrant to apprehend such deserter, and bring him before such justice; and if he shall then appear, by due proof, — that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, — and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said "justice shall commit him to the house of correction, or com- "-mon gaol of the city, town, or place, there to remain

until

" until the said Ship or vessel shall be ready to proceed
" on her voyage, or till the master shall require his
discharge, and them to be delivered to the said master,
he paying all the cost of such commitment, and
" deducting the same out of the wages due to such
" seaman or mariner.

A.G.J.

Ed.

~~Enclosure No. 2.~~

[In Enclosure No. 28.]

Extracts from the work entitled "Commentaries on American Law. By James. Kent." volume 3rd. p. 185.

"The act of Congress requires, that in seamen's
"shipping articles, the voyage, and term of time for which
the seamen may be shipped, be specified.

"The voyage within the intendment of the
"statute, means one having a definite commencement and
"end. The terminus a quo, and the terminus ad quem,
must be stated precisely; and in a case of a general ad-
-venture, the term of service must be specified. A
voyage from New York to Curracoa, and elsewhere, mean
in shipping articles, a voyage from New York to Curraco
"and the word elsewhere is rejected as being void for
"uncertainty."

N.P.T.

End

Rec.d 28 Janry

No. 63.

Consulate of the United States of America
Havana, Jan: 5. 99

Hon: John Forsyth
Secretary of State:

Sir,

At a late hour of the night, exhausted by a long day of close labour at my desk, I kept pen in hand, that Lieut. Gardner of the U. S. Packet Cutter may not sail tomorrow morning without an acknowledgment of the receipt, on the 3rd inst., of your letter of the 11th ult., enclosing a copy of one from W. Fairfield of the House of Representatives, on the subject of Captain Love Straw.

Without being insensible to the sympathy due to his connection, nor to pity for the wretched man himself, I have still deemed it my duty to refuse peremptorily to pay any regard to his repeated demands that I should interfere in his behalf. His conduct, or rather the legal consequences of it — for, concerning the act itself, there is not a shadow of doubt — are in the course of being determined upon by the Authorities of the country; with whom I have no right to interfere, and to whom my sense of duty forbids that I should evince any solicitude

whatever that he should escape ~~unpunished~~ punishment.

Were I sitting as a judge in our own country, clothed with power of fine & imprisonment applicable to his case, he would be made an example of; and if he escaped being made such, it would only be through what I should deem gross defectiveness in the law. It is a most nefarious case of embezzlement of Spanish property, committed in this harbour; which, vested apparently in the technicalities of the subject, or assisted perhaps by his friend Mr. Ferdinand Clark, he contends can be properly made the ground of a civil suit merely and not of a criminal prosecution; and even that, only in the United States, inasmuch as it was committed "under the American flag": this last point being an application of an all-comprehensive doctrine, applicable to enormities of every form & hue, and too convenient not to have commanded a very general adoption; and to uphold which, is looked upon as the most sacred of all the duties of an American Consul.

This deed has inflicted the deepest wound upon the character of our flag; and the influence which it must inevitably have to stir up against it the elements of robbery & murder which are ever rife in this port, is beyond estimate. No one can say how

many robberies of american Ships will arise from this one deed, to be attended or not with murder according as circumstances may at the moment dictate.

It has been my intention to report this case to you in detail; and I shall do so at the earliest moment allowed by matters of more immediate urgency.

I am, Sir, very respectfully,
Y. Obt. Servt.

A. P. Hill.

No. 2 - 25 January No 64.
Ningpo

Consulate of the United States of America
Havana, January 12th 1839.

Hon: John Forsyth
Secretary of State.
Sir,

I have the honor to enclose a copy, (Enclosures No. 1. 2 & 3.) of a correspondence which has just been forced upon me by the gentlemen resident here on the part of the British Government, as members of a mixed Court for adjudicating upon vessels detained under the treaties between Great Britain and Spain for the suppression of the Slave trade. Here the correspondence closes, as their reply will not receive any from me: and the momentary departure from the line of duty dictated by first principles, upon which I have ventured, in receiving from them any communication whatever, will, I trust, find a sufficient apology in the circumstances of the case when fully explained.

My letter contains allusions,

which,

which, when the many and urgent matters now pressing upon me shall have been disposed of, I will send you a full explan-
-ation of. At present, I must, for want of time, be brief.

To one whose position has been such as not to oblige him to see behind the scenes, the acting of which you here have a specimen is likely to appear enigmatical. Not so however, is it to me; nor would it be to you, had the full occupation resulting from my endeavour to discharge the duties of my post allowed me any time to expend upon subjects of mere curiosity: if indeed, with leisure ever so abundant, a sense of fitness in regard to occupations for function-
-aries of the american government would not have effectually conspired with my estim-
-ate of the value of my own time no less than of yours, to prevent my offering for your enter-
-tainment a view of stage-machinery, des-
-igned solely for domestic purposes by individ-
-uals in possession of the administration of a foreign government, with whose international doings, even, I had no official concern whatever.

Without the key to the puzzle, such

such conduct as that here pursued by the Agents of the British government must seem incomprehensible. Supposing them, as it is natural to do, seriously intent upon giving effect to that public sentiment in the British people, to which they owe their official existence; or, at least, exempt from a disposition to frustrate or postpone the fulfilment of the noble object upon which so large an amount of philanthropic zeal has for a long period been, and still is expended, — their mode of proceeding can occasion nothing but bewilderment to the spectator. Incapacity, the natural explanation of the use of ill adapted means to professed ends, fails when that ill-adaptation becomes so extreme and flagrant that no denseness of stupidity can be supposed impervious to it. We must then be content to remain bewildered, or seek some other explanation.

Of this nature is the case presented by the course of these agents, and of their immediate employers, in all its bearings; of which the present is but one. Supposing them really intent upon the object to which they owe their employ-

-ment

employment, and to which they, of course, pay a formulary devotion, — the extinction of the Slave trade at the earliest possible moment, — and, as a means to that end, upon obtaining the cooperation of our government: is any degree of incapacity sufficient to account for the use of such means as communications of this nature? Putting out of view the acquired qualifications for delicate international trusts, can any understanding be supposed so obtuse as not to be fully aware of the fact, that if such means could exercise any influence whatever upon the conduct or the disposition of our government or its officers, that influence could not possibly be other than unfavorable to their proposed object?

No such supposition can be made. If the question were put to a man of the most ordinary understanding and limited converse with the world, he would at once pronounce that the effect, if any, must be that which I have myself experienced: to arouse a spirit of defiance; the natural tendency of which, to awaken a disposition hostile to the very object affording

the

the pretext for the provocation; if un-
-attended with any result of the sort could
fail to produce it only through the operation
of sentiments and principles the most
fixed and unalterable. Such has been
the effect upon me. If any thing could
have had the effect to shake mine in
regard to the slave trade, that effect
would probably have resulted from the
feeling of defiance which has been awaken-
-ed in me; and which these persons and
their employers must have known would
be awakened in any citizen of the United
States.

The supposition of incapacity
failing, the explanation must be sought
elsewhere. It is found in the fact, (in
regard to which, so far as I know, all
intelligent men at this place who have
bestowed any attention upon the subject
are agreed,) that this devotion to the extinc-
-tion of the Slave-trade is, on the part of
these actors, a mere sham, — and, worse
still, that not only is the parade of zeal,
made on all occasions by them and their
immediate employers, (the ministers I
mean, and not the people,) empty cant, but

that

that they are positively averse to the cessation of what, to the minor parties proves the cause of pleasant official existence, with a suspension at the end of the vista; and, to the more elevated personages, affords convenient patronage, in addition to the more important benefit of a sound and not inconsiderable capital to trade on in the House of Commons: all which substantial blessings would vanish into thin air, "could the slave trade but be suppressed."

This, I am aware from experience, is a startling theory. But it is not the first that is so, and at the same time susceptible of demonstration. Seldom has moral demonstration been clearer or stronger than that for which materials are afforded in abundance by the current history of this matter: — the general tenor of its course, — the particular incidents, and the positions of the actors. Lord Palmerston, having been defeated at the last general election, now retains his seat in the British Cabinet, as member for Tiverton, (a sort of rotten borough with a few hundred voters,) and the individual who patriotically relinquished the honor of this representation, in order that it might

acquire

acquire new lustre in his Lordship's keeping, is my correspondent, James Kennedy Esqre.; (the other signer being, I am persuaded, a mere signer in these cases,) decidedly one of the least competent and most positively unfit men whom I have ever known in public life. — These are facts. It is moreover said by those whom I believe to speak with knowledge, that Tiverton was and continues to be Lord Palmerston's sole chance; and also that Mr K's influence with him is unbounded: concerning which last particular some incidents have occurred which go to prove that it is true, to a most unmanly and pitiable extent, that would reflect disgrace upon the parties even if they belonged to the Spanish, instead of the English, Government.

The plot of the piece enacted here, and upon the other theatres under the same management, is very simple, although its effects are very complex. It consists in getting up occasions for crying out "execrable speculations," "nefarious traffic," "dens of infamy" whereat, the worthy zealots in Great Britain are highly edified, and give their votes accordingly, in and out of Parliament.

The

The honest enthusiasm of the latter no doubt forced upon the Minister the attempt to prevail upon our Government to become a party to the establishment of the British Navy as the great Police officer of the high seas; and its success would have proved a not unuseful feather in his cap. But I doubt much if he do not prize its failure still more highly, as an ever ready fountain of reasons such as I have referred to. Nor do I doubt, that the American Consul at Havana would now stand very high indeed in the good graces of "Her Majesty's Commissioners" and "My Lord"; had his sense of the respect due to his country and to the principle of national independence, here and every where, and his contempt for humbug been sufficiently weak to permit him to take the part proffered him in the vile game, and play into their hands with "words that cost nothing". But, whatever might have been the facility of disposition evinced by him on trivial matters, he deemed this one, at least, an unfit subject for diplomatic push-pin. It is one which must be met: and the sooner the better.

Here however, I must for the present close.

I am, Sir, very respectfully Your Obt. Servt.

A. T. Mills.

Copy

(Copy)

rec? Jan: 8. '39
Late in the evening.

Havana
8 July 1839.

Sir,

As it may possibly not have come to your knowledge, we think it right to make you acquainted with the report prevalent in this place respecting the Ship "Venus" which arrived here the 4th August last from Baltimore and sailed shortly after for the Coast of Africa.

This vessel you will no doubt remember arrived & sailed hence under American Colors under which it is said she took in a cargo of negro Slaves & has land-ed them within the ~~last~~ last few days on this coast about 860 in number.

The report further states there are several American Citizens implicated in this flagrant violation

of

of the laws of the United States & as the "Vernes" may be hourly expected in this harbour we would respectfully suggest that such immediate steps may be taken on her arrival as may lead to the punishment of such offenders.

The peculiar relationship in which the United States are placed with Great Britain induces us more anxiously to hope you will participate in the feelings with which this communication is made.

We have the honor to be
Sir
Your most Obedient
humble Servants
J. Kennedy
Campbell. J. Dalrymple

N. P. Trist Esqre

of the laws of the United States & as the "Vesuvius" may be hourly expected in this Harbour we would respectfully suggest that such immediate steps may be taken on her arrival as may lead to the punishment of such offenders.

The peculiar relationship in which the United States are placed with Great Britain induces us more anxiously to hope you will participate in the feelings with which this communication is made.

We have the honor to be

Sir

Your most Obedient

humble Servants

S. Hennessy

Campbell & Dalgrymple

S. P. Trist Esqre

Consulate at Havana, No. 64 Enclosure No. 2.

(Copy)

Copy all

Consulate of the United States of America
Havana, January 8th. 1839.

Gentlemen,

I have received at a late hour this evening your letter addressed to "N. P. Trist Esqre," and dated "Havana 8 July (intended, doubtless, for January) 1839," which the presence of company in my parlour where it was delivered has prevented my opening until the night is too far advanced to permit me to engage in the task of a reply without encroaching upon the rest which a long day of unremitted labour demands. Unfitted as this has rendered me for resuming my pen at this moment, I am however impelled to do so by the desire to obtain without delay the important information which your letter affords ground for believing that it may be in your power to furnish.

Upon referring to the files of your predecessors in office, you will probably find there a letter addressed by them to me, towards the close of the year 1836; and by me returned, upon the ground that I deemed it incumbent upon me to decline receiving any communication of that nature.

Upon

Upon comparing the two, you will perhaps be sensible, that the letter now before me, although differing from the other, in one very material particular, is yet so far of the same nature as to come within the rule which, upon that occasion, I announced as that of my conduct, and my conviction in regard to the indispensableness of which has since been fortified. Thus viewed by me, it would now impose again the unpleasant duty then discharged, were it not that the essential difference just adverted to leaves me to a certain extent free, in this instance, to avail myself of the information of which you may be possessed, and at the same to indulge the disposition towards British functionaries, which fixed sentiments of the People have long made a part of my character.

In thus departing from the course pursued towards your predecessors, it is necessary that, to preclude misapprehension, I should trouble you with an explanation which would have been made to them had it not been prevented by the tenour of their communication.

This was of so extraordinary a character, - indicating so utter an oblivion or innate ignorance of the simplest applications, (until then deemed by me self-evident,) of first truths

in

in regard to international independence, —
that it left me no other alternative to the course
of passing it over, as I did, without remark or notice,
than that of facing it with a rebuke, such as my
command of language would have been severely
tried in making commensurate with my sense
of the insult. It would have accorded as ill
with the habitual tone of my feelings towards their
Nation, as the provocation did with a decent
respect for the independence of mine. From this
unwelcome necessity I was spared by the relations,
or rather the no-relations, in which we stood: a cir-
-cumstance no sooner adverted to, than it stripped
the communication of every attribute save naked
absurdity; rendering it a fit object of derision alone,
until, upon the contemplation, thus awakened, of
what was going on around me here, and, connected
with it, in Great Britain, that feeling gave way
to the more serious mixture of sorrow and
indignation, at the spectacle of such prostitution
of the energies of the British People, in theatrical
playings off, to their delusion and to the benefit
of whomever it might concern; in a cause
which, whatever differences of opinion may exist
with respect to the justness or the immoderateness
of the zeal displayed in it, is sanctified by a
sincerity and a self forgetfulness, in proportion

to

to the intensity of which every empty show, got up by self-seekers, turning it to profit, becomes intensely disgusting and hateful.

Had the case been different, through the existence of any tangible relations between us, as agents of the two countries, the necessity would have been forced upon me, and consequentially upon the Government of the United States, to demand to know upon which of the principles that govern the relations of states, and in consequence of what event, it might be, that any crimes or misdemeanours, real or assumed, committed by citizens of the United States in this port, or elsewhere except on British territory, had become objects of cognizance to the British Government: so as to justify an Agent of that government, placed here in official relations with an agent of the government of the United States, in supposing himself entitled to communicate in formal manner to the latter the results of the supervision exercised by him over the proceedings of american citizens and american vessels, (which proceedings, it may be remarked, were subjects of as little concealment here, and those results, matters of as great notoriety, as the recent arrival of the French Prince from Vera Cruz,) accompanied with the

information

information <u>that it would be his painful duty to report the same to his own government!</u> Such a demand, it would, under some circumstances, have been imperative upon me to make. But it was not so in the present; and, unpleasant as was the alternative which they presented, I deemed myself fortunate, even at that cost, to escape the obligation to be instrumental in forcing upon the British Government, a question from which there was no escape but a direct disavowal of an indecency, so grofs that its absurdity was the only palliation of which it could be suscep=tible; while, at the same time the circum=stances of the case were such as to obviate the necessity of such disavowal: precluding as they did, unless by grofs impeachment of its good faith, the supposition that the outrage upon the United States could have been intended by that government. The persons from whom it had proceeded had, it was to be taken for granted, been sent here by their government in no other capacity than that in which they had been recognized by the Spanish, under the treaty which alone entitled them to be here at all: which capacity was purely judicial, or fraction=ally so, as part of a mixed court, whose functions consisted solely in bringing to adjudication, with

the

the least delay and inconvenience, such vessels as, under the treaty between the two countries, might be detained for having been engaged in an illicit traffic of Slaves. Such being the sole purpose for which they were permitted to have an official residence upon Spanish territory, and even the form of process for that limited purpose having been strictly and minutely defined by treaty, - it could not be conceived that their government had condescended to abuse the opportunity thus afforded, by sending them on any other errand; above all, was it not to be supposed, that, openly trampling under foot the plainest rights of a nation which, however unfortunate, is still recognized as one of the states of Europe, it had intended their conversion into organs for offering unprovoked insult, in the same breath, to that nation and to the foreign Consuls holding Exequaturs from her, and entitled, through decency to her if no other motive, to be respected by all who accepted the right to official dwelling in her territory. The treaty which placed them here, and a decent respect for the good faith of their government absolutely precluded, then, the supposition that it could have been a party to the letter addressed by them to me.

Moreover

Moreover the functions assigned them were so very limited and of a nature so extremely simple as to afford an obvious apology against even the charge of having neglected so to instruct them in relation to their duties as to secure a-gainst all such abuses of their situation. Such instructions are requisite, and the duty to give them imperative, only in proportion as the complexity of the functions entrusted to a public agent, or the haste in which he may be called upon to act, is such as to expose him to doubt or oversights. A perusal of the treaty shows that it afforded neither of these grounds for precautionary instructions. — Never were duties, or one single duty rather, (for it consists of a mere decision upon a naked question of fact,) more simple in its nature, or more clearly defined; and it almost transcends belief, that persons charged therewith should ever undesignedly — the only mode of transgression which a govern-ment can anticipate on the part of those in whom it puts trust, or provide against by instructions — overlook the boundaries of the field assigned to them, or fancy them-selves placed in any official relations what-ever towards foreign consuls resident here.

Such

Such were the considerations which governed my course in regard to the communication from your predecessors; and which, unpleasant as was the task of returning it, reconciled me thereto, as being, however rude in outward semblance, at bottom by far the least objectionable to all parties, of the alternatives forced upon me.

The present communication, as I was happy to see, is free from the offensive peculiarities of the former. Still, it is liable to the fundamental objections, inseparable from any communication which you could possibly address to me in regard to the conduct of citizens of the United States; one of which, indeed, applies to official communications on any subject whatever. This is, that there exists not any official relation of any kind between us. The other, that whatever relations might exist, and whatever might be my own functions in regard to offences committed by citizens of the United States against our laws, they could not be such as to allow me to recognize the right of any agent of any foreign government to interfere, in any possible mode or degree, in the discharge of my duties, or to forbear repelling such

such interference if offered.

This is a necessary consequence of the independence of our two countries. You refer to "the peculiar relationship in which the United States are placed with Great Britain." Since the 4th of July 1776, the only relation in which they stand to each other is that of two independent nations, "enemies in war, in peace friends." Of that independence, one of the vital parts consists in the exclusive execution, no less than the exclusive enactment, by each, of its own laws: rigorously excluding and repelling all interference in the one no less than the other. If there be upon earth, two nations from whom, above all others, their own welfare and that of the world, demands the most scrupulous regard for and watchful observance of this principle, those nations are the two whom you have named. Mine is wedded to it in all its bearings; and if, as I trust, the harmony now happily subsisting between the two governments is to endure, so as to allow to the elements comprised in the bosoms of the two nations a fair opportunity to work out their natural results, it can only be through the cultivation of the

same

same sentiment by your government towards ours, if no other.

So thoroughly imbued with it is the latter, that no Consul or other functionary of the United States, at this place or elsewhere, however full and accurate the information which he might have acquired on the subject, and however sincere his zeal against the slave trade, would ever dream of volunteering an official communication to a functionary of Great Britain, in regard to the amount of British fabrics, made expressly for the coast of Africa, nor the number of casks of shackles (the distinctive instrument for carrying on the slave trade,) of British manufacture, annually exported to this island; some of which I have seen passing through the Custom-house here, without attracting any more notice from either officers or bystanders, than so many boxes of dutch cheeses. He might, under instructions from his government, have traced these things to their sources, so as to be able to designate every British manufacturer, merchant and ship, from and through which they had reached thus far on their way to the coast of Africa; and, upon looking into the statutes of their

Parliament

Parliament, he might have discovered that they could not have got here without gross violations of British law. But, so great is the silent force of the general national sentiment upon this point, it would never occur to him, as a thing proper or decent or possible, that he should assume to take part in the administration of those laws, by addressing official communications in regard to their violation, to British functionaries, charged or not charged with preventing it. If such an american officer were to be found, he would be a very remarkable exception; and, whatever might be the force of the motives impelling him to a course so inconsistent with the general sentiment of his country, there is one particular in which his course would be sure to evince the utmost respect for, if not dread of it, if his object in thus trampling upon the principle of national independence were to play off before any portion of his countrymen. However insensible he might be to other things, the dread of their penetration would effectually deter him from attempting any such game, unless he had furnished himself with better materials for it than rumours.

If

If requested so to do, he would doubtless cheerfully comply; as I trust that you will, with the request I now earnestly make of you, to oblige me, at the earliest possible moment with all the information of any kind, regarding persons, occurrences or things, calculated to be of use to the government of the United States in regard to the Ship Venus or any matter connected with her; and particularly the fact of her having taken in a cargo of negroes whilst under the American flag, and the other fact that there are several American citizens implicated in this violation of our laws, and who those citizens are. One of you, gentlemen, has enjoyed the advantage of pursuing his studies at the Temple; and I need not tell you, therefore, that the great object is, to obtain such materials, in the shape of facts, or persons, or in-=dications of either, as may be susceptible of use towards the conviction of every individual implicated. If materials of this kind cannot be furnished by you, I would thankfully receive any specific facts, although unconnected with

names

names of persons, should you not be at liberty to divulge them, which your peculiar opportunities and command of time for the purpose may have brought to your knowledge.

I am Gentlemen, very respectfully

Your Obed.t Serv.t

N. P. Trist.

P. Hennedy, and
Campbell. J. Dalrymple Esquires.

Consulate at Havana No. 64. Enclosure No. 3.

(Copy)

rec? Jan: 11. 1839.
about 1. P. M.

Havana
10 Jany 1839.

Sir,

We have to acknowledge the receipt of your answer of the 8th inst. to our communication of the same date respecting the Ship "Venus," which Vessel we have since heard entered this harbour at a late hour the evening before.

In reply to your request to be "furnished "with all the information regarding persons, occurrences or things, calculated to be of use to the Government of the United States in regard to the Ship "Venus", or any matter connected with her, & particularly the fact of her having taken in a cargo of negroes whilst under the American flag, & the other fact that there are several american citizens implicated in this violation of your laws & who those citizens are" — we beg to say that we have already communicated as much of the information we possessed as we felt ourselves at liberty to do. We referred you

to

to the reports prevalent in this city upon the subject & we hoped (as no doubt is entertained of their truth) that you would have thought them deserving of your own immediate investigation either thro' the Captain General of the Island or by your own authority & the intervention of the Commander of the American vessel of war now in the harbour. Any such investigation on your part by examination of the log book & crew could not have failed to elicit much better than any information we could be expected to divulge whether the following circumstances as reported are well-founded or not.

1st. Whether there were any American citizens on board the "Venus" during her late voyage to the Coast of Africa & who those citizens are.

2nd. Whether the "Venus" was visited on the Coast of Africa by any British Cruiser or Cruisers without being detained in consequence of her bearing the American flag but one of which Cruisers having observed her take in some negroes under that

flag

flag afterwards chased her thó without success.

9th Whether any sale or transfer was made of the Vessel after leaving this harbour & where, so as to divest her of her American character.

The ship's articles we have heard provided that she was to be taken to Bahia where the sale was to take place, but the short time she has been absent, (only four months) puts this out of the question; & whether transferred or not to any other flag, we fear it is indis= =putable that a gross abuse has been practised of the American flag.

It certainly is no part of our duties at this place to take any steps to vindicate such a violation of your laws nor have we any wish to in= =terfere in any like cases further than arises from an anxiety to put an end to all such nefarious infringements of the rights of humanity. Our objects are too high & our conviction of their rectitude too strong to allow us to be turned from our course by taunts of any kind & with regard to the United States in particular

we

we would wish to preserve unimpaired our respect for the laws which have declared the Slave trade Piracy. But it is in proportion to the respect we would wish to entertain that we should regret to find those laws a dead letter & your professions not followed up & carried into effect.

We have the honor to be Sir

Very respectfully

Your most Obedient

humble Servants

I. Kennedy

Campbell. I. Dalrymple.

To

N. P. Trist Esqre

Consul &c. &c

D. 25 Jany
Kingsgoed

(Private)

My dear Sir,

On the 10th. (my letter of the 8th — the copy of which had not been completed till the night before — having been carried that morning before breakfast to the house of one of the commissioners,) I had occasion to send W. Coutts, who had copied it, to Mr. Knight's counting house. He there met with Mr. Kennedy, who took my letter out of his pocket, and asked if he had not got tired in copying it, — the penmanship was very good, but as to the rest, he could not say. "If they won't make treaties they must be shoved into them." He then asked Coutts if he considered himself a British subject. Coutts replied that he was born at Gibraltar. "For," resumed Kennedy, "it would not do to say to a Yankee": alluding to his remark about shoving. — Coutts suggested to me to let Mr. Forsyth know of that remark: but I told him it was too insignificant, and that you had nothing to do with Mr. K's remarks. — I let you know of it, as illustrative of his character & mood. — He is a miserable, malevolent conceited affair. As he is of the horsewhipping order, verbally at least, I did not know what might await me. — He called at my office, found me walking up & down sucking an orange to refresh me a little: extended his hand in the most empressé

manner, and on my offering him an orange, seized it with marks of great agitation & embarrassment. I know him — and am sure he would have used the knife to cut my ears off at least, with great satisfaction.

I will tell you soon all about the Venus. —

Since my last, a number of vessels have arrived from New Orleans, where they had gone for american papers. — I let them all know that I would not despatch a single vessel with such documents until I received instructions from Washington. Well we must protest &c &c. Very well — you have a perfect right to protest. Some will be "told" back again: probably all: though some may make up their minds to abide the issue from Washington. — All sorts of modifications have been proposed to me. At least, to let them clear for a port in the U. States. No: not one shall clear from this port at all, under the american flag until I receive instructions from Washington. How long will that be? It may be a couple of months. —

I am busy in making an analysis

of the laws to shew you the grounds of my proceedings. Meanwhile, I trust you will have sufficient confidence in it to wait until you receive them before you send instructions.

What with Moonshine-Money Rascality in the "upper classes", and other sorts of Rascality in the "lower", the Democracy have a pretty piece of Hercules labor before them. We have been allowing Rascality in both upper & lower regions, too much rope. They (Shylor he (I don't know the law)) must be brought up: or the country will go to the dogs

Yrs truly

A. L.

Saturday night Jan 12. '39

Private.

Hon: John Forsyth

Washington.

No 2 - 28 Feby

Mr Chew

Extract

Encd

No. 65. Confidential.

Consulate of the United States of America
Havana, January 20. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

It becomes my unpleasant duty to make known to you a case wherein our flag has, there is no room for doubt, been used to protect a vessel while in the very act of taking in Slaves on the coast of Africa. / Encd - See p. 5

Before entering upon the particulars, I must premise, that, although there is no doubt of their truth, and from the time the vessel had been a few hours in port, no difficulty whatever has existed to obtaining information in regard to them from any boatman in the harbour or any clerk in the Street, — yet, for any legal purpose, they are mere rumour or hearsay, and absolutely insusceptible, here, at least, of being converted into anything else. It is my firm conviction, that, were the Captain General himself to exert all his power with a view to the legal establishment of any one of the facts of the case, whereby any individual should be committed, he would be completely baffled, — that not a single person could be found in Havana, who, after being judicially interrogated, would not prove to be entirely without knowledge on the subject, — in a word, that

were

were it requisite or desirable to disprove the identity of the vessel ever, such would be the judicial result. More, supposing the Captain General, with every legal and judicial functionary in the island, to be devoted, heart and soul, to having this case judicially established, and a hundred men able and willing to give the amplest testimony in regard to it, not one of them could do so without sealing his fate. A thousand knives, — thousands of knives, — would be eager to drink his blood gratis: and if to hire a single one, a thousand ounces were the price, they would be subscribed in three hours; — nay, gold, to any amount, would be poured out like water. This will afford you an idea of the state of things here in regard to the Slave trade. It is, indeed, owing to this very intensity that information (information as much as you please, a very different thing from legal proof, every where, but to be fully aware of the vastness of the difference, one must know Havana,) that information concerning any particular connected with it can be so readily obtained; nay obtrudes itself upon every man who has ears. In regard to a subject upon which so overwhelming a public sentiment prevails as to render all legal denunciations of it matter for laughter & contempt alone, as essentially & inevitably a mere pro formâ, make believe business, what need for mystery? Had not this been so, the Judge-Commissioners, evident here on the part of the British Government, would have found it necessary to encroach seriously upon more pleasant appropriations of their Salaries, or to make heavy draughts upon the Secret Service fund, to ~~must~~ be enabled

to

to make parade of being occupied at something, in return for those salaries, by communicating the information, which, as the case had stood, no one could walk the wharf for five minutes a day without gathering. And had not their preposterous and indecent pretensions to depart from the functions proper to them, borne solely upon the feelings of the functionaries of an imbecile & helpless government, actually dissolved in its rottenness, and been understood by every individual, directly or indirectly interested in the slave trade, to be mere moonshine & veriest humbug, not one of them would have gone home to enjoy the pention due to years spent in the arduous task of catching butterflies by day, and listening to the Opera, o'nights in the Condesa de Fernandina's box, (which was the employment of the least idle of them all,) or rather, the first would have received a lesson that would have effectually enlightened every successor as to the propriety of confining himself, to far as his publick acts here went, with the exercise of the functions for which he had been admitted into the country.

Scrupulously respecting, as I have ever shewn myself disposed to do, their national rights & feelings; and strictly confining myself, as I have done in my recent proceedings, to our own flag; yet these, having a practical bearing & sensible effect upon the interests and calculations of these people, have, I know, not been unattended with personal risk; which has, I believe, been prevented from becoming very se-

rious

rious, solely by the general feeling towards me and my nation, and by the notion which they have taken up gratuitously, (although very naturally for Spaniards) that I am acting under positive instructions which bind my hands completely: for how else account for my course, and for the answer, "absolutely impossible until I receive instructions", always given by me to the enquiry, although made even through a personal friend, "persona de muchisima consideracion", calling for the express purpose, whether there is no way in which one of these vessels can be allowed to clear under the american flag. Without such specific instructions, affording no escape from official responsibility, what course could be supposed possible on the part of a public functionary, but to yield to an empeño, or say at once "how many ounces," and let the matter take some course "less prejudicial to private interests"? Besides the general sentiment in favor of the business, and the countless indirect interests involved in it, does not every body know, that the Captain General himself receives head-money, fixed & certain, (which alone was worth a princely fortune to General Vives) upon every Slave landed on the coast: so that the annual yield from this source of income admits of as exact estimate at every counting house, every 31st of December, as that to the Royal Customs from the flour duty? E.N.

Having thus premised, I will enter upon the story of the Venus: giving first, the few facts susceptible of judicial proof, which are in themselves of no moment; and

then

then the particulars, which, known probably to every white man & many of the black, in Havana, can never become known here, to any legal purpose.

During the last summer, among the newspaper notices of ship launches which caught my eye, was that of a splendid "corvette" at Baltimore, built, I think the papers stated, "on foreign account," and which I conjectured to be for the government of Mexico or some other Spanish american state.

On the 3rd of August, that corvette arrived here, under the name Venus, and became at once the admiration & talk of the city: to so remarkable a degree, that I several times determined not to be a solitary exception, but to pay her a visit; which, however, occupation put out of my power. She was immediately reported at this Consulate, by the master, William Wallace; who, on the 11th of August, discharged his crew, consisting of 18 men besides himself, according to law: paying without difficulty or discussion, (a circumstance of very rare occurrence) the three months extra wages for the four who were on the crew-list as citizens of the United States. He subsequently appointed in his stead, as master, William M. Phillips, who had received his discharge as mate; which change was endorsed upon the Register as is always done. Phillips shipped another crew; and, upon clearing at this Consulate, on the 23rd. of August, and receiving his Register, he reported his crew to consist of 19 men all told, (all foreigners except four,) his cargo to consist

of

of merchandize, and his destination to be the coast of Africa.

No man in Havana doubted, that, even supposing her to have been bona fide american property at the time she left Baltimore (where she was Registered in the name of Lambert Gettings, as sole owner,) she had ceased to be so before her departure hence. The sale, however, was one which our laws could not reach, so far, at least, as a Consul could have anything to do with their execution. Indeed it was one of such ordinary occurrence as to merit no notice whatever, except on account of the size & beauty of the corvette: the practice of holding a vessel "in the name of" another man (who, to oblige you, merely has to swear — see § 4 &c of act of Dec. 31. 1792 — that he is the sole owner &c) being so common-place an affair apparently, that even I have been requested by an american resident, who evidently did not suppose he was doing anything wrong, and whose request therefore was received only with a laugh, as I shook my head & told him it was impossible (for which, as I afterwards discovered, he set me down as "a very impolite man" and worthy object of grudge,) to allow a vessel he was about to buy, to "be put in my name."

Nor did any man doubt that she had sailed on a slaving voyage. My belief, and probably that of every one else was, that she would touch at the Cape Verdes or some other convenient point, there to change her papers and land her american master, with any other person she might have on board who could not engage in taking in negroes without putting his neck

in

in the latter.

On the 7th or 8th inst, the news became current, and reached my ears, that the Venus had got back from the coast, and had landed a cargo of eight hundred and sixty slaves; which every boatman in the harbour, assisted by his oar or his neighbour's arithmetic, knew no doubt before sunset that day, to amount, at twenty ounces a head, (a moderate estimate) to three hundred thousand dollars in round numbers; leaving for the profits of the "expedition", after paying for vessel & all, about two hundred thousand! (a clear profit affording, it may be remarked in anticipation of the particulars of the story, good encouragement to pay liberally for the use of american papers, and for the services of an american to act as exhibitor thereof.)

Taking for granted, that, except in magnitude, the case was like those of every day occurrence; and having much to occupy my thoughts besides the profits of money speculations of any sort, concerning which I am perhaps the most ignorant & least inquisitive man in the city, the ship Venus sailed across them just as the Schooner Conchita or Dos Hermanos &c, had probably done before her, without exciting any interest in the details of her achievement, or producing any effect on my mind except in strengthening the impression, that we ought to devise some means for effectually preventing the use of our flag for the protection of vessels on their voyage to the coast in quest of

negroes

regrets: for I had no reason to suppose that anything be=
yond this had occurred in the present case.

On the 9th inst, the Vessel having entered port during the night previous, the sailor gossip of the crew, and their unreserved communications to all whom curiosity prompted to visit the beautiful corvette or to enquire how she had comported herself, soon scattered far and wide the particulars, which, the day before, had been obtained, if obtained at all, only by the comparative few whom a command of time, and a taste for quidnunc "news" had enabled to secure the distinction.

Begin Omit [One of these (which, indeed, had been, on the day before, mentioned in my office in presence of W. Kennedy, the British Judge-Commissioner, by a gentleman with whom he is in very close communication, who evidently had before informed him of it; and than whom he could not have selected a person more competent to make "discoveries" for him, a few hours ahead of the common talk of the town, nor one whose well known character better warrants the idea that no person would be more sure to know nothing of the matter, if called upon to give testimony before a tribunal)] one of these particulars was, that the name under which the Vessel had returned to this coast was, "Duqueta de Braganza." End

Begin (This, be it noted as illustrative of the shallow motive of the Judge-Commissioner in addres= sing a letter to me on the subject, was many hours before

that

that letter was delivered, and longer still before the Ship entered the harbour. The annunciation of this Portuguese name by his companion, a Mr. Morrison, proved evidently annoying & disconcerting to the Judge, who thereupon putting on the lowest buffoon character, — which is his resource on the, not unfrequent, occasions whether to stand on his heels or his head — involuntarily exclaimed, with a forced snicker, "Oh! Oh! Oh! that was not to be told"; and, bowing to me, "you are to receive a letter on the subject." To which unexpected intelligence I replied, with a dryness ill harmonizing with his mirthful country-bootyism, "I am sorry to hear it.") End

Begin

The other particulars came under the head, "that the American Captain had conducted himself admirably", to wit: the Ship, on arriving at "the coast," had been boarded by a British officer, who had enquired of the master, whether he had brought her out for sale or to take in negroes; and the reply was, that no one there could afford to buy her. And after this, he had stood by them until the very last negro was on board. She had then put to sea, and being chased by the British had mocked them, by taking in sail now & then to allow them to come up a little.

These, no doubt, are all facts; but, whether they can ever be turned to legal account in our country; (whose alone this is at all possible) depends upon very remote contingencies. The least so, apparently, is that of obtaining the

evidence

evidence of the British officer in question, and of others who saw the negroes on board. With regard to the crew of the Venus when she left here, I have been unable to learn that there was a single citizen of the United States on board, except the mas= ter. Upon clearing, he stated that the crew comprised four; and this, probably, accorded with the new Crew List, which had been made out for him in this office. But these documents having never been recorded here, I am unable to discover who the three besides himself were. From another source, however, I am able to ascertain that if any Americans did ship in the Venus, they were deserters (bonâ fide or collusive — the latter the more prob= able) from other vessels, and had never come under the no= tice of this Consulate. The system which (partly with an ex= press view to prevent americans from shipping in slavers,) I have established with regard to all seamen who are regularly dis= charged, or who come in any way under my cognizance, re= quires that the shipping master should make known to me the vessel in which any such seaman has shipped, by bringing to this office, where it is put on file, the Permit to be on shore, issued by the Captain of the Port, in favor of such seaman, with an endorsement thereon, of the vessel in which he has shipped.

From these I ascertain that, of seamen who had come under my cognizance, but a single one shipped in the Venus: Thomas Wheeler, who had been discharged from the same vessel as a foreigner. The three american seamen

who

who came from Baltimore in the Venus were William P. Gos=
sick, John P. Kayne and John Cook. The first shipped in
the Brig Antelope of New Bedford, which went to Sea on the
13th of August; the Second, in the Brig A. L. of Baltimore,
cleared on the 16th of August; and the Third, in the Schooner
Patty B. Blount of New York, cleared on the 17th of August.
(This, it may be remarked, affords a fair
sample of the immense benefit which would entue to our sea=
men — and through them to the navigating interest — if the
System were allowed to work, undisturbed by the perverse adhe=
rence of a large class of our captains to their rooted habit
of getting rid of their men, in defiance of our laws, by de=
vices involving every imaginable shade of dishonesty & brutality.)

Nor have I been able to glean a single
particular tending to the belief that any american citizen had
any interest in the Ship or voyage, (unless, as is not unlikely, the
master's compensation was contingent,): all tends to confirm
the contrary; and that the vessel was built for an individual
in this city, who would not admit an american partner, if
any partner, in his undertakings.

I would beg leave to suggest,
however, that if care were taken to secure the testimony of
the two masters, and of the clerks, particularly the corres=
ponding clerks, of the house of Lambert Gittings, (or if
he be the Ship-builder, of the house that employed him,) and
the matter were so timed as to preclude the fabrication of
new

new letter books & account books, a suit for the value of the vessel, under the fourth section of the act of Dec.r 31. 1792, would probably result in convicting the parties of false swearing in regard to the ownership at the time the Register was obtained.

Possibly, too, the Register may have been left on board by Phillips. I think the parties here would be perfectly willing to incur the risk of the $2000 forfeit, or even to pay that sum at once, for the benefit that might result from the exhibi= tion of that document in case of need on the return voyage. If this has happened, the bond under the seventh section of the same act has become forfeit; and the only question is, whether the return of Phillips to the U. States has taken place or can be proved. End

Begin

No doubt existing as to the fact of the return of the Venus to this port, and there being a <u>legal</u> possibility that she might have entered port, not as the <u>Fragata Portuguesa</u>, <u>Du= queza de Braganza</u>, (which every one knew to be the character in which she had entered,) but under her first name, and as an american vessel, I deemed it advisable officially to ascer= tain the truth in regard to the matter.

It first occurred to address an en= quiry to the Captain of the Port in regard to the vessel, founded upon the report of her having entered at night. Upon reflec= tion, however, it was plain, that although the discharge of my duties required that I should inform myself of every vessel arriving under our flag, and I could therefore with per

fect

fect propriety make enquiry with respect to them, yet I had no right to go a line beyond this, by official enquiries concerning arrivals or departures under other flags: which would imply a pretension to the exercise of official cognizance or espionage over the whole movement of the harbour. I consequently framed my enquiry in such a way as to effect the object without stepping beyond my province; by confining it to american vessels, while it was made to embrace all arrivals within the period during which the Duquesa had entered. The result will be seen from the enclosed correspondence.

Enclosed No. 1. 2.

I am, Sir, very respectfully,
Your Obt. Servt.
A. P. Hill.

Consulate at Havana No. 65. Enclosure No. 1.

Copy ab

Consulate of the United States of America
Havana, January 11. 1839

Sir,

With a view to the discharge of my duties under the laws of the United States, in regard to American vessels entering this port, I take the liberty to trouble you with the request that you will communicate to me the name and class of every vessel reported to you, or to any boarding officer acting under your orders, as an American vessel; that is, as navigating under the flag of the United States; which may have entered this port since the 6th inst: that is to say, from meridian on that day to meridian on this, the hour at which I am writing.

I have the honor to be, with much consideration, Your Obt. Servt.

N. P. Trist.

To Don Juan de Montaño
Post Captain in the Royal Navy of H. C. M.
and Captain of this port.

New Orleans Dec. January 12. 39

CAPITANIA DEL PUERTO
DE LA
HABANA.

Translation

Incluyo á V. la relacion de los buques americanos entrados en este Puerto, desde el 6 del corriente á las Diez y media de la mañana, de aquel dia inclusive, al 11 del corrte, segun oficio de V. de esta misma fecha, al que contesto plenamente satisfecho de lo que V. pide de esta oficina.

Dios

Consulate at Havana No. 65. — Enclosure No. 2.

gue á V. mds as

Habana y Enero 12 de 1839.

Juan de Montalvo

Sor Consul de los
Estados Unidos Nor-
te americanos. -

Ucº January 12. '39

Capitanía del Puerto.

1839.

Enero 6 – A las 10 ½ de la mañana.

Bergantin americano Samos de Boston, capn. Brewer.
Corbeta de guerra americana Boston de Cayohueso, su co-
mandante Babbit. Egdo.
Goleta americana Eclipse de Savannah, capn. Phillips.
Dia 7. Fragata americana St. Tomas de New-York
su capn. Holdam.
Dia 8 Bergantin americano Syren de Boston, su
capn. Nichalson.
" Bergantin americano Virginia Packet de Port-
land, capn. Waterhouse.
" 9. Bergantin americano Sappho de New-York, ca-
pitan Westcott.
" 10. Bergantin americano Mary Barnard, capn.
Picher, de Savannah.
" Bergantin americano Sebago de Matanzas,
su Capitan Coffin.
" Bergantin americano Penzacola de Portland
capn. Kilgore.
" 11 Bergantin americano de Boston, Hector, su
Capitan White.

Habana y Enero 11 de 1839.

Juan de Montano

Recd with Mr Fris's No 65

My dear Sir,

My No. 65 (having also to be copied with my own hand) cannot go probably by this opportunity. I will hurry it as fast as I can. Meanwhile, I send you this, as being of the most urgent importance.

Yrs truly. J. Pitts

Wednesday night, Jan 23. '39

Hon John Forsyth.

Hon: John Forsyth

&c &c

Ex C

No. 66.

No. 66. January 22. 1839.

Will two drafts of Bills.

Ex C

Rec'd 11 Feby
Ans. chan

No. 66. Confidential

[Consulate of the United States of America,
Havana, January 22. 1839.

Hon: John Forsyth,
Secretary of State.

Sir,

Under a daily deepening sense of the shocking de=moralization exhibited by our commercial marine, in the unchecked Setting at naught, by whomsoever feels so disposed, of every provision to be found in our laws for its regulation, defective as this would be were they all in active force instead of being, as they are, abso=lute dead letters, — I have long proposed to myself the task of laying before you, so soon as I could find time to digest them into something like sys=tem, the suggestions afforded by my experience, in regard to the provisions which might promise to put a Stop to the most monstrous, at least, of these abuses.

The recent events which have crowded upon me, have, however, produced so deep an im=pression of the necessity of immediate action in regard to some particulars, that for some days past, I have postponed every thing which admitted

at

at all of being postponed, to the duty of submitting to you, at the earliest possible moment, my views with respect to them, although in a cruder shape than I would otherwise have presented them in.

The particular subject, ~~now~~, most urgently calling for legislative action, is, the new face now attempted to be given to the Slave trade, by the use of our flag for its protection, under contrivances which existing laws, executed, particularly, as they seem to have been for a long period, and cannot now but be expected to continue to be until fresh vitality be infused into them by Congress, are insufficient to defeat, or at least, to ensure the defeat of.

Aware of the little time that remains for action by the present Congress, and on the other hand most deeply impressed with the importance that they should not adjourn without acting, I have, with a view to rendering this possible, thrown into the shape of two acts, ready for immediate action upon them, the provisions which appear to me necessary to nip this new enormity in the bud, and prevent its growing, — as infallibly it will if allowed twelve months start, — into a tree that cannot fail to cast a deep shade over our nation. The same provisions are calculated also to exercise a purifying influence in other respects, which call for them with

with scarcely less urgency than the one concerning which that urgency is most prominent.

End

Begin

In such manner as the extreme hurry in which I write permits, I will explain the grounds of my conviction as to the necessity of immediate action on this subject.

First, then, independently of every other consideration, the fixed sentiment of the nation, and the long settled policy of its government, on the subject of the Slave trade, both, sincerely and earnestly, set against it, alike demand that the whole energy of the latter should be steadily exerted to the utter & absolute prevention of its receiving any aid or support from our flag.

Secondly, National character requires this. If we really cared nothing about the matter, respect for the opinion of the world, whose eyes are fixed upon us, demands, that, with such professions upon this subject as stand unrepealed upon our Statute book, we should not now afford room or pretext for the charge of indifference to it.

Thirdly, the position in which we stand towards G. Britain upon this subject. This is delicate and critical in the extreme.

By turning to Kent's commentaries, vol. 1. p. 107, or to Wheaton, your memory will be refreshed

pushed as to the history of British pretension in this field. They began in the bold exercise of Sea-police, by the capture of american vessels; the rightfulness of which, first maintained by the Vice-admiralty court in the West Indies, was subsequently confirmed by a decision of the Court of Appeals in England, founded on a wretched begging of the question, or rather jiggling of it out of view. From american vessels, this new police was extended over Swedish. Here, however, British judges proved so graciously scrupulous in regard to national independence, as to acknowledge that, in matters of legislation, England did not mean to set herself up as Custos morum for the whole world, — that although British cruisers could rightfully take upon themselves the execution of laws passed by other nations, yet these were not subject to laws passed by the British Parliament; and consequently, that until Sweden should pass laws for the said cruisers to enforce, they could have no ground to interfere with the pursuits of Swedish vessels.

Such appears to have been the only limitation to the authority of the High Constable of the seas, until it was brought under review in the High Court of Admiralty, by the case of a French Ship, captured and condemned by the

Vice

Vice-admiralty court at Sierra Leone, for being concerned in the Slave trade contrary to French law! The appeal seems to have been attended with the effect of forcing the High Court, at length to meet the question, — the first & the only one, — manifestly presented by the subject, towit: the right of jurisdiction, — the right of Great Britain to meddle at all in the execution of French law; instead of dodging it, to be able to get at sophistry in regard to "title to restitution", upon which to ground the decision. Having met the question, there was but one conclusion at which they could arrive, towit: that the right of search did not exist, and that, consequently, the High Constable must confine himself to the limits of his own county.

Then followed the series of efforts to prevail on us to put ourselves under his guardian ship; and these having failed, his devotion to "the rights of humanity" will, I am satisfied, not allow him to rest in inglorious Sloth. Another twelvemonth will not pass before the question will be again brought up with regard to some american vessel (american by flag & document, at least,) in some "Vice-admiralty court", in the West Indies, or at Sierra Leone, or somewhere. The Venus, it will be borne in mind, after having been boarded,

and

and had her american character ascertained, was nevertheless chated, and, had they been able to come up with her, would doubtless have been captured, without regard to what her natural character might at the moment be. And although the fleetness of the vessel happened to prevent the occurrence in this instance, some other occation will probably arise, in which circumstances will prove more favorable.

How our government met the question in the original instance, I do not know; although it was of a character, even then, to render it unavoidable that we should claim to have something to say, as well as the Vice admiralty court. But one thing is very manifest: that if brought up now, it would wear an essentially different aspect, and a very serious one. Having insisted the entreaties of G. Britain that we would content to a friendly arrangement whereby this right would be given to her, can we submit to its being taken?

On the other hand, consider the position in which such a question would place our government: not only externally, towards G. Britain, and towards the general sentiment of Christendom in regard to the Slave trade; but internally!

Am I wrong, then, in attaching imu=

mente

mense importance to instant action on the subject? First, as a means to prevent the occurrence of occasions for this question's being forced upon us; and secondly, if this should prove unavoidable, as a means to put our government in the right, in the eyes of the world, and, what is of greater moment still, in the eyes of our own nation. If this be not effectually done, who can calculate the internal consequences of such a question, whether considered in themselves solely, or in the national humiliation which would be their result?

What a victory this, to Lord Palmerston! It would be the "master stroke" of all, casting in the shade all Turkish and Austrian treaties, and touching what may be emphatically called the chord of public sentiment in G. Britain at this day, in a manner that would actually shake the land, and impart to his popularity an ardor & intensity such as few in his post, if any, have ever had to exult in.

Considering the state of the public mind on this subject in Great Britain, (without reference to what it is in our own country) what more could any minister desire, than to have it ready prepared to be dovetailed if necessary into the Maine Boun-

dary

dary or the Canada business? I have for some time past, been satisfied that this would be seen to happen the instant that any thing serious should grow out of either of those matters; and that the consciousness of holding such a trump would influence his Lordship's game in regard to them, however disputed other considerations might tend to render him not to brag high.

I will close with suggesting the good effects that would, in <u>every</u> point of view, result from promptly dispatching a naval force to the coast of Africa, for the <u>avowed</u> purpose of preventing the use of the flag of the United States by vessels engaged in the Slave trade, or in aiding or abetting it. I will at an early moment send you the necessary information in regard to what should be its prescribed cruising ground.

I am, Sir, very respectfully,
Your obt. Servt.

S. P. Hill.

Rec'd with Consul Forsts No 66

~~Two drafts~~

Copy all &c

An Act to prevent the use of the flag of the United States for the protection of vessels engaged in or designed for the Slave trade.

Or

An Act to prohibit the taking of vessels for sale to the coasts of Africa and other places.

Two drafts: the one varying from the other only at the beginning.

In case the second draught should be acted, the first of the above titles must be adopted.

[illegible]

Our Right to oppose these
these Lords are void to
Late — the Left in for any
pinal action of the Dpt
of the Thing. They are answer
ed before the Ch. & Judiciary Co
of the Senate who found it
impracticable to obtain a
consideration of the Q that
Concurred
Jno Forsyth
2 March 1828

Prefatory remarks to the "Act to prevent the use of the flag of the United States" &c

The occurrence that has happened is as follows:

1. A Ship designed for the Slave trade is built in the U. States. (no doubt built on foreign account.)
2. She however takes an american Register, & is brought to Havana.
3. Her crew are discharged, and another american master is appointed to her.
4. The new master ships another crew, and the vessel, with her original Register, sails for the coast of Africa.
5. Arrived there, she is boarded from a British cruiser. The american captain points to his flag, and perhaps exhibits his Register; and laughs at the British men of war who are watching him.
6. A large cargo of slaves is taken on board, and every arrangement made for setting sail at a moments notice. This being accomplished, the favourable circumstances for sailing are waited for; and these having come, the american master leaves the ship, (taking his Register with him, perhaps, and probably signing a bill of sale at the moment,) and she sails. The cruisers that have been on the watch, chase her; but her fleetness mocks pursuit

permit.

[In this instance, the vessel was, no doubt, built in the U. States, on foreign account; and the sale, if any has been passed, was merely pro forma. Of this there have probably been other instances.

The generality, however, of vessels built for this purpose brought here for sale, are, no doubt, at the time of their arrival, american property. When these meet, as they almost always do, with a purchaser, there can be ~~little~~ no doubt that the value is received, and the transfer of property, to all intents and purposes consummated, at this place. But, for the purpose of keeping the vessel under the protection of the american flag, some american citizen is appointed master (real or nominal) and sails in her, provided with a letter of attorney, empowering him to sell. Sometimes, instead of this, the arrangement consists in passing a bill of sale here, from the american owner or agent to some other american citizen, who does not own a rope in her, but serves to fill the place occupied by the attorney on the other plan.

Hitherto the practice has been for a vessel thus prepared to proceed to the Cape Verde islands, or to Bahia &c, to be there sold and transferred to some other flag before proceeding to the coast of Africa. But this formality having proved to be attended

with

with great expense, in the shape of loss of time no less than of actual expenditure, while, on the other hand, the risk of capture, although sensibly diminished, still remained very serious, and has recently been increased, — the present plan has been hit upon, to diminish that risk yet further, indeed reduce it to next to nothing, by keeping the vessel under the protection of the flag of the United States, while taking in her cargo of Slaves, and until the moment of her sailing from the coast.]

Such being the nature of the occurrence, the question arises, what provisions are requisite to prevent its repetition?

The act to be prevented is, the taking of Slaves on board a vessel under the protection of the american flag, or having on board american citizens and american documents, or persons & documents purporting to be such.

This is an act which comes within the prohibitions & penalties already in existence. But we here see it connected with another act, in such a way, that, to all practical intents, it is impossible to distinguish the one from the other. It is practically impossible, to know, to any legal purpose, when the one act ceases, and the other begins. So long as a

vessel

vessel intended for the slave trade can possibly be taken under the american flag to the coast of africa, to be there sold, just so long will it be to all legal intents impossible to know whether the act of taking in the slaves ~~took~~ (supposing that this admits of proof at all) occurred before or after the sale. And supposing this impossibility not to exist, but that there could be an absolute security against the taking in of a single slave until

until after the sale & change of flag, it would not be the less true that ours had been used directly to facilitate, promote & protect the Slave trade: a vessel that has once exhibited american papers being sacred from search, if there were a thousand foreign cruisers around her.

To prevent the one act is, then, indispensable means for preventing the other. That is to say, it must be rendered impossible to take a vessel destined for the Slave trade; for the purpose, of there selling her, whether such purpose be real or only feigned, to any place already effectively elsewhere. But the act that required to be prevented is not the mere taking a vessel there for sale, but the taking of a vessel destined for the Slave trade.

to any of those convenient places, under the american flag,

This qualification is of a nature to present obstacles, the most serious, to the efficacy of any prohibition which can be passed upon the subject; and there are but two ways in which they can be prevented from entirely neutralizing its effect. The first is, to omit the qualification altogether. The second, to make the mere fact of Slaves being taken on board the vessel, within a stated period after the sale or pretended sale, conclusive proof of the prohibited intention.

With regard to the first, it is to be observed that its apparent harshness would be apparent only. It may well be questioned whether, in the course of licit trade in vessels as objects of sale, an american vessel would, once in ten years, be sent to any of the prohibited places for sale by a bona fide american owner. And, supposing such cases to be even more

~~commerce~~ those places to afford ever to good a market for ~~bona fide~~ vessels of american build, the question would still remain, whether any advantage which could thereby result to american ship builders ~~&~~ or venders, ~~would be~~ is entitled to be respected at the ~~expence~~ sacrifice of the long settled policy of the nation in regard to the prevention of its citizens from being concerned directly or indirectly in the Slave-trade or in aiding or abetting it.

I should say not; ~~and~~ and should therefore be decidedly in favor of a law ~~for~~ prohibiting the taking of american vessels to such places for sale, without any qualification whatever. Such a law I have made a draught of, ~~and~~ containing the provisions which have occurred to me as requisite to give to the prohibition a practical effect.

To meet views different from my own in regard to the necessity of the qualification just referred to, I have prepared another draught in which I have endeavoured to introduce that qualification in ~~a manner~~ the only way which appears to me at all compatible with ~~the~~ any efficacy in the law.

First draught

An act to prevent the use of the flag of the United States for the protection of vessels engaged in or designed for the Slave trade.

or

An act to prohibit the taking of vessels for sale to the coasts of Africa and other places.

§1. Be it enacted &c. That it shall not be lawful for any ship or vessel sailing under the flag of the United States, or having on board any paper or document purporting that such ship or vessel is owned wholly or in part, or is commanded, by any citizen or citizens of the United States, to be taken from any port or place in the United States or in the West Indies or elsewhere[x], to any port or place on the coast of Africa or in the Cape Verde islands or any island near or adjacent to said coast, with the intent or design on the part of the owner or owners or pretended owner or owners of such ship or vessel, or on the part of any person or persons acting or pretending to act in behalf of such owner or owners, real or pretended, that, while at any port or place on the coast of Africa or in the Cape Verde islands ~~aforesaid~~ or any island near or adjacent to said coast, or on the voyage thereto, such ship or vessel shall be sold in whole or in part, by a sale real or pretended, or be transferred to the possession or command of any person or persons whatsoever; unless such sale or transfer be to a citizen or citizens of the United States, and be unattended with any alteration, real or pretended, in the national character of such ship or vessel, whether by the use of any flag other than that of the United States, or by their being on board any paper or document purporting that such ship or vessel

not belonging

[x] this amounts to saying any port or place whatsoever, and therefore does away with the distinction set up in the preceding section, purporting on the face of the papers to be a vessel sailing for the same places as those mentioned in the former section, and avoiding the danger of leaving the door open to a violation

possessed any other national character.

§2. That if any ship or vessel sailing under the flag of the United States, or having on board any paper or document purporting that such ship or vessel is owned wholly or in part, or is commanded by, a citizen or citizens of the United States, shall be taken to any port or place on the coast of Africa or in the Cape Verde islands or any island near or adjacent to said coast, and any negro or other native of Africa shall be there taken or received on board such ship or vessel, with the intent or design on the part of the master or commander for the time being, that such negro or native shall be transported elsewhere as a slave or as a person held to service or labour, then and in such case every person, other than a slave or person held to service as a slave or as an apprentice under age, who shall be on board such ship or vessel at the time when such negro or native shall be so taken or received or shall be detained on board, shall be deemed to have aided and abetted in the slave trade, and shall be adjudged a pirate; and, on conviction thereof before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death: Provided however, that if upon the trial of any person prosecuted under this enactment it shall be proven that, before the taking of any negro or native on board as aforesaid, such ship or vessel had been sold and transferred to any citizen or subject of any foreign state, and that there no longer remained on board any paper or document of the kind described in the beginning of this section, and further that such ship or vessel was then provided with a paper or document, really and truly conferring upon her a new national character, then and in such case the penalty imposted by this enactment shall not be suffered by any person who was not a citizen of the United States, or a resident in the United States, at the time.

penalty taken from §475
ct May 15. 1820.

time when he embarked in such ship or vessel. And provided further, That ~~neither~~ the specification of certain places, nor anything else, herein contained, shall be construed or held to weaken the force of any enactment contained in any law against the carrying or transporting or taking or receiving on board, of ~~negroes~~ any negro or coloured person held to service or labour.

~~portfolio any other national character.~~

§3. That any citizen of the United States or other person resident therein, who, as the real or pretended owner or part owner of any such Ship or vessel, or as the attorney or agent of any such owner or part owner, real or pretended, shall be concerned in any such sale or pretended sale or in any such transfer of possession or command as is ~~herein~~ prohibited in the first section of this act, shall, on conviction thereof by due course of law, forfeit and pay a sum not exceeding five thousand dollars nor less than one thousand dollars, ~~one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture and prosecute the same to effect,~~ and shall moreover be imprisoned ~~in the Penitentiary of the District of Columbia~~ for a term not exceeding seven years nor less than three years.

Penalty taken from §3. of act of apr. 20. 1818.

§4. That whenever any such Ship or vessel shall be cleared at any port of the United States or in the West Indies or elsewhere for any port or place on the coast of Africa or in the Cape Verde Islands or any other island near or adjacent to said coast, it shall be the duty of the Collector of the Customs of such port of the United States, or of the Consul, Vice-Consul, Commercial agent or Vice Commercial agent of the United States at such port in the West Indies or elsewhere, before granting or issuing any document requisite to the sailing of such vessel, to require the personal appearance before himself in person, of the master and crew

thereof

thereof, and of every person who shall have taken passage in such vessel: which appearance having taken place, the Collector or the Consul, Vice Consul, Commercial agent or Vice Consmercial agent shall separately examine, under oath, the said master and each of the persons thus summoned before him, concerning his name, age, place of birth, place of residence, the names and place or places of residence of his parents, and of any brother or sister whom he may have, the name or names and place or places of residence of the person or persons in whose employ he has been at any time for two years previous, and finally, the names and place or places of residence of three residents of the United States to whom he is best known; all which particulars shall be written down in a deposition to be subscribed and sworn to by the person to whom they relate, and attested by the person attesting the same, who shall moreover append ~~to it~~ thereto an account of the person of the deponent, comprising his stature in feet and inches of english measure, ~~and~~ the color of his hair and eyes, his complexion, and the character of his forehead, nose and mouth.

§ 5. That if the master of any such ship or vessel, destined to or cleared for any port or place as aforesaid, shall fail to inform the Collector or the Consul Vice-Consul, Commercial Agent or Vice Consmercial agent truly and accurately in regard to ~~the~~ the port or place for which his vessel is destined or cleared, such master shall, on conviction thereof by due course of law, be subject to the same penalties as are defined in

in the ~~second~~ third section of this act.

§ 6. That if the master of any such vessel, destined to or cleared for any port or place as aforesaid, ~~shall~~ upon being required by the Collector or the Consul, Vice-Consul, Commercial agent or Vice Commercial agent, to state the particulars prescribed to be written down, & deposited to by the ~~fourth~~ fifth section of this act, shall wilfully practice deception in regard thereto or to any part thereof, such master shall, ~~upon~~ or conviction thereof by due course of law, forfeit and pay the sum of one thousand dollars and be imprisoned for the term of one year; and if any seaman ~~or~~ or other person belonging to the crew, or any passenger, shall practise the like deception he shall suffer the same imprisonment.

§ 7. That if any Collector, or any Consul, Vice Consul, Commercial agent or Vice commercial agent, upon being informed by the master of any such vessel that she is destined to or cleared for any port or place as defined in the ~~third~~ fourth section of this act, shall fail to proceed in the mode therein directed, or conviction thereof by due course of law, he shall forfeit and pay the sum of one thousand dollars for each and every such failure, and be incapable of holding any office or employment under the Government of the United States.

§ 8. That it shall be the duty of every Collector, Consul, Vice Consul, Commercial Agent or Vice Commercial agent, after taking any such deposition as is provided for in the ~~third~~ fourth section of this act, to transmit, within fifteen days after the same shall be taken, or by the

the first safe opportunity which may occur after the expiration of that time, an authenticated copy thereof to the Secretary of State of the United States, together with a statement of the circumstances which led to the taking of the same, the name of the vessel, and the name or names of the owner or owners, and the consignee or consignees. And the penalty for a failure to comply with this requirement shall be the same as is provided in the fourth section of this act; in order to the enforcement of which, in either case, it shall be the duty of the Secretary of State to cause information to be given of any such default that may become known to him, to be given without delay to the Solicitor of the Treasury.

§ 9. That upon the receipt of any such authenticated copy, transmitted in pursuance of the requirement contained in the section immediately foregoing, the Secretary of State shall cause a copy thereof to be transmitted to the Solicitor of the Treasury, who shall transmit it to the attorney of the United States for the District wherein the deponent had his home or residence, † And it shall be the duty of such attorney, upon receiving the same, to inform himself forthwith as completely as possible in regard to all the particulars set down therein; and, should he discover any cause for suspecting any deception to have been practised, to communicate it to the Solicitor of the Treasury. Moreover, upon the return of the deponent to his place of residence, such attorney shall give notice of said return to the first

† or, if he be not a resident in the United States, wherein is situated the port where he usually ships or did last ship.

Grand

Grand Jury which may sit at the place of meeting nearest to such place of residence, whose duty it shall be to call such deponent before them and examine him in regard to the voyage or voyages performed by the vessel to which he belonged after the time when his deposition was given, what has become of, and where he became separated from, such vessel, and all other particulars pertinent to the true intent and meaning of this act; and the result of such examination shall be forthwith communicated by such attorney to the Solicitor of the Treasury.

§ 10 That whenever, in the opinion of the Secretary of State or of the Solicitor of the Treasury, sufficient ground shall exist to suspect an infraction ~~of any of the provisions of this act, or of the prohibition contained in the first section of this act, or of any other provision thereof~~, it shall be the duty of the one or the other, as the case may be, to instruct the attorney of the District where any such suspected offender may have his residence or at the time may be, to take forthwith all lawful measures for bringing him to trial; and it shall be the duty of every attorney of the United States to take such measures of his own motion and without waiting for any such instructions, whenever any circumstance shall come to his knowledge affording reasonable ground to suspect an infraction of any prohibition or requirement contained in this act.

§ 11. That any attorney of the United States who shall

shall fail to comply with any of the requirements of this act, shall, on conviction thereof by due course of law, be incapable of ~~practising~~ holding any office or employment under the government of the United States, ~~and~~ and also of being allowed to practise in any court of the United States. And if, in the course of any trial in any Court of the United States, it shall appear in evidence that any such default has occurred, it shall be the duty of the Judge or the Senior Judge presiding at such trial to give immediate notice thereof to the President of the United States.

§ 12. That all forfeitures ~~and imprisonments~~ incurred under this act shall enure, one moiety to the United States, and the other to the person or persons who shall sue for and prosecute the same to effect; and all imprisonments incurred under this act shall be suffered in the Penitentiary of the District of Columbia.

§ 13. That prosecutions, informations or actions for offences under this act may be brought at any time within five years after the [redacted] commission of the same or after the return of the [redacted] offender to his known place of residence in the United States.

1 apr. 20. 1818.

§ 14. That nothing in this act contained shall be held to prohibit the sale of any ship or vessel, or the transfer of the possession or command thereof, at any port or place in the colony of Liberia or any other colony ~~under the~~ on the coast of Africa, under the

the protection of the government of the United States: Provided that such sale or transfer shall take place with the knowledge of the Governor of such colony, and by deed authenticated under his hand and seal, and that two authenticated copies thereof, each accompanied with an explanation of the cause of such sale or transfer and of the destined employment of such vessel, be transmitted by, or on behalf of, the original owner or owners to the Secretary of State of the United States; one of which copies shall be transmitted through the Governor aforesaid, and the other by a different channel, severally by the two first safe opportunities which may occur to any port in the United States within eight days after the date of such sale or transfer. And in default of any of the requirements contained in this proviso such sale or transfer shall stand on the same footing as if this section had not been added to the act.

Second draught.

An act to prevent the use of the flag of the United States for the protection of vessels engaged in or designed for the Slave trade.

§ 1. Be it enacted &c. That, [for the purpose of affording to a ~~Ship~~ or vessel ~~&~~ designed for the Slave trade the protection of the flag of the United States while on ~~her~~ voyage to the coast of Africa or while upon said coast,] it shall not be lawful for any ship or vessel sailing under the flag of the United States, or having on board any paper or document purporting that such Ship or vessel is owned wholly or in part, or is commanded, by any citizen or citizens of the United States, to be taken from any port or place in the United States or in the West Indies or elsewhere, to any port or place on the coast of Africa or in the Cape Verde islands or any island near or adjacent to said coast, with the intent or design on the part of the owner or owners or pretended owner or owners of such Ship or vessel, or on the part of any person or persons acting or pretending to act in behalf of such owner or owners, real or pretended, that, while at any port or place on the coast of Africa or in the Cape Verde islands or any island near or adjacent to said coast, or on the voyage thereto, such Ship or vessel shall be sold in whole or in part, by a sale real or pretended, or be transferred to the possession or ~~keeping~~ command of any person or persons whatsoever: [if such Ship or vessel shall be designed to be employed in the Slave trade, and the object of such proceeding shall be to afford to her the protection of the flag of the United States while on the voyage to any port or place as above described, or while there lying.]

the words of the part written [illegible]

§. 2. (The same as Sec. 2. of the first draught.)

§. 3. That if any Ship or vessel of the description contained in the first Section of this act shall be taken to any port or place as therein described, and, while there or on the voyage thereto, shall be sold, by a Sale real or pretended, or be transferred to the possession or command of any person or persons whatsoever; ~~and~~ and, at any time within the period of six calendar months from and after the date of such Sale or pretended Sale, any negro or other native of africa shall be there taken or received on board such Ship or vessel, with the intent or design on the part of the master or commander for the time being, that such negro or native shall be transported elsewhere as a Slave or as a person held to Service or labour, then and in such case such Sale or pretended Sale shall be deemed and held to have taken place in violation of the true intent and meaning of this act.

§ 4. (The same as Section 3. of the first draught.)

And so on, to the end: changing only the number of each Section by making it to be the next highest number; and taking care, wherever one Section is referred to by its number, in the body of another, to make the proper change in that reference also.

Rec.d with Consul Frisbi's No. 66

Copy all

An Act in addition to "an act concerning the registering and recording of Ships or vessels."

An act in addition to "an act concerning the registering and recording of ships or vessels."

§1. Be it enacted &c That, to carry more fully into effect the provisions of an act entitled "an act concerning the registering and recording of ships or vessels," passed on the thirty first day of December 1792, the Secretary of the Treasury shall cause a proper and distinct form to be prepared for ~~the~~ the particular oath or affirmation appropriate to each of the several cases wherein such oath or affirmation is required to be taken and subscribed, in order to the registry of any ship or vessel or to complete the validity thereof. And a sufficient number of copies of every such form shall be transmitted to the collectors of the several districts; who shall, in every case of any such oath or affirmation, see that the appropriate thereto, and no other, shall be used. ~~under the penalty of forfeiting the sum of five hundred dollars for each and every offence herein~~ And if such oath or affirmation shall not be taken and subscribed in the manner and form herein required, the certificate of register which may be issued or confirmed in pursuance of, to the issuing or confirming of which it may relate, shall be forfeit and void; and the collector shall forfeit the sum of five hundred dollars for each and every such offence.

~~§2. That in addition to the case of any of the matters of fact in any such oath or affirmation~~

§2. ~~allowed~~

§.2. That the taking or receiving of any such certificate of registry as the act to which this act is an addition provides for the issuing of, shall be deemed and held proof conclusive that the party so taking or receiving the same did take or make any oath or affirmation therein prescribed as a requisite to the issuing of such certificate. And in case any of the matters of fact in such oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, such party shall, on conviction thereof by due course of law, forfeit and pay a sum not exceeding five thousand dollars nor less than one thousand dollars, and shall be imprisoned for a term not exceeding five years nor less than two years: which penalty shall not be deemed or held to interfere with the operation of any penal enactment contained in the act to which this act is an addition.

§. 3. That the transmission to the Register of the Treasury of ~~copies~~ a copy of each certificate of registry issued by the Collector of any district, which is required by the tenth section of the act aforesaid shall take place within one week after the issuing of the same; and for every failure to comply with this requirement the Collector shall forfeit and pay the sum of one hundred dollars. And if any Collector shall designedly fail to transmit ~~withhold~~ any such copy of a certificate of registry, with the intent to withhold a knowledge thereof from the Register of

the

the Treasury, or to prevent the publicity thereof, such collector shall, ~~upon~~ in conviction thereof by due course of law, suffer the same fine and imprisonment ~~as it~~ prescribed in the second section of this act; and the same shall be suffered by any person holding office or employment under the government of the United States, who shall knowingly aid or abet in or connive at such suppression, or prevention of the publicity, of a certificate of registry.

§ 4. That on the first day of the months of ~~January~~ February, ~~April~~ May, ~~July~~ August and ~~October~~ November in each year, the Register of the Treasury shall transmit to the Secretary of the Treasury a statement of the number of certificates of registry issued at ~~each~~ any collection district, during the three months ending on the last day of the months of January, April, July and October immediately preceding, which statement shall ~~contain~~ specify the class and name of each vessel, the port to which she belongs, and the name or names of the owner or owners thereof. And said statements shall be forthwith published officially by ~~order~~ order of the Secretary of the Treasury.

~~§ 5. That if any person, who is not the person or persons whose name or names shall be thus published as the name or names of the owner or owners of any ship or vessel, shall be, directly or indirectly, by way of trust or otherwise the owner or part owner or joint owner of such ship or vessel, he shall, within the term of six calendar months, give not after such official publication give notice thereof to the Register of the Treasury.~~

§ 5

§5. That if in the course of any suit or proceeding in law or equity, it shall appear that any person, other than the person or persons named in any certificate of registry, is or was at the time of issuing such certificate or at any subsequent time prior to the surrender of such certificate in the mode required by the act to which this act is an addition, interested in the ship or vessel named in such certificate, it shall be the duty of the court to ~~cause~~ make such fact known to the attorney of the United States for the district wherein that court is in session. And if the party or parties or any of them, thereby implicated, shall reside or be found in such district, it shall be the duty of such attorney forthwith to ~~institute against him or them~~ take all lawful ~~and proper~~ steps for bringing him or them to trial for any offence thus appearing to have been committed. And if the party or parties or any of them shall be known or suppoted to reside or to be in another district, it shall be the duty of such attorney to forthwith make known all facts pertinent to the matter to the attorney of the United States for such other district, whose duty it shall be to proceed in the manner above directed.

§. 6. That if any person ~~shall~~ shall employ or procure to be employed, or knowingly assist in so employing or procuring to be employed, any citizen of the United States or person pretending to be a citizen of the United States, to make false oath or affirmation

in

§7. That in case of the sale of any ship or vessel of the United States, in whole or in part, or of the transfer of any title or interest therein, by way of ~~trust, confidence~~ or otherwise, to any person or persons whatsoever, at any foreign port or place, ~~where there~~ or at sea while proceeding to ~~any foreign~~ such port or place, where there shall be a Consul, Vice-Consul, Commercial agent or Vice Commercial agent of the United States, the ~~certificate of~~ register of such ship or vessel shall ~~thereupon cease to belong to, and become void for any purpose and be considered as a document for the protection of~~ shall be disposed of in the manner following, to wit: it shall be divided into two parts by cutting it diagonally from the right hand upper corner to the left hand lower corner, and the upper of these two parts shall be delivered to the master, with a certificate attached, ~~thereon~~ that such Register has been ~~divided~~ in pursuance of this act, and the ~~other~~ under part shall be transmitted by ~~the~~ such Consul, Vice-Consul, Commercial Agent or Vice Commercial Agent, to the Secretary of State ~~for the Register of the ordinary~~ within seven days after such cutting or by the first safe opportunity that may occur

~~the existence of such vessel~~ ~~son, and after such sale or~~ ~~transfer, or the arrival of the~~ ~~ship or vessel at such port or~~ ~~place, as the case may be,~~ ~~cease to belong to, or be valid~~ ~~as a document for the protec-~~ ~~tion of, such ship or vessel,~~

~~and said master shall dispose~~ ~~of the same in the mode prescribed~~ ~~for the disposal of the entire certifi-~~ ~~cate of registry, by the seventh sec-~~ ~~tion of the act to which this act is~~ ~~an addition, and shall thereby~~ ~~be deemed to have fulfilled the~~ ~~condition of the bond thereby ta-~~ ~~ken to be taken;~~

in regard to the ownership of any ship or vessel or any other matter or thing required to be sworn or affirmed to, in order to the registry of such ship or vessel, the person so offending shall, on conviction thereof by due course of law, suffer the same fine and imprisonment prescribed in the second section of this act. And any person, holding office or employment under the government of the United States, who shall knowingly connive at such employment or at the making of such false oath or affirmation, shall, on conviction thereof by due course of law, ~~suffer~~ incur the same penalty.

§7.

such Sale or transfer, if made to a citizen or citi=
zens of the United States, entitled by the act to
which this is an addition to own a Ship or vessel
of the United States, shall be ~~accompanied with~~ made by some
instrument in writing, in the nature of a bill of
Sale, which shall recite, at length, the ~~certificate~~ cer=
tificate of registry above required to be ~~delivered~~ duly
and such bill of Sale shall be passed and recorded
in the office of the Consul, Vice-Consul, Commer=
cial agent or Vice-Commercial agent, if
one there be. And previously to the passing of any
such bill of Sale, the person or persons acting as vendor
or vendors therein shall personally appear at such
office, and shall there severally make and subscribe
an oath or affirmation in the words following, to wit:
(varying them only so far as to suit the case when more persons
than one are about to acquire the ownership
or the right, title or interest.) "I, (here insert his
name, place of abode and occupation) do solemnly
swear (or affirm) to the best of my know=
ledge and belief, that, the sale or transfer,
about to be effected of the ownership of (or the
part ownership of, or an interest in,) the (here insert
the name, class and name of the vessel and the port to which she
belongs,) said sale or transfer is to be made to
(here the name, place of abode & occupation of the
purchaser,) ~~and that~~ really and truly for his
own proper use and behoof, and that no other person
whatsoever is intended thereby to acquire
any right, title or interest whatsoever, by way of
trust

trust, confidence or otherwise, in said vessel, nor any controul over the same; and further, that the said (here the name of the purchaser) is a ~~citizen~~ citizen of the United States of America, and does not reside in any foreign country (or does reside in a foreign country; ~~therein and he added in the capacity of Consul of the~~ ~~he added~~, to wit, at (here the name of the place and country) as Consul of the United States, or as an agent for and a partner in the house of (here the name of the copartnership) ‡now actually carrying on trade at (here the name of the place) in the United States." And the person or persons, about to acquire the ownership, or the right ~~title~~ title or interest which is to be transferred, ‡shall also personally appear at the same office, and shall there ~~severally~~ make and subscribe an oath or affirmation in the words following, to wit: ~~(varying them only so far as to suit the case when there are more than one)~~ "I (here his name, place of abode and occupation) do solemnly swear (or affirm) that, in the sale ~~&~~ or transfer about to be effected, of the ownership of (or the part ownership of, or an interest in,) the (here the name and the rig of the vessel and the port to which she belongs,) said sale or transfer is to be made to me alone, really and truly for my own proper use and behoof; (or to myself and (here the name ~~of~~ ~~any~~ of other purchaser that there may be) only, really and truly for our own proper use and behoof) and that no other person

‡consisting of citizens of the United States and

‡or to many of them as shall be of such foreign port or place,

person whatsoever is intended thereby to acquire any right, title or interest whatsoever, by way of trust, confidence or otherwise, in said vessel, nor any control over the same. And I do further swear (or affirm) that I am, at this moment, a citizen of the United States of America, owing allegiance to no other nation, prince or potentate whatsoever, and that I do not reside in any foreign country,

[or, do reside in a foreign country, to wit, at (here the name of the place and country) as Consul of the United States, (or, as an agent for and partner in the house of (here the name of the copartnership) consisting solely of citizens of the United States, and at this time carrying on trade at (here the name of the place) in the United States.)] And if any

person by whom this last defined oath or affirmation is prescribed to be taken shall not be at such foreign port or place, he shall be represented by an attorney, duly empowered to subscribe the same in his name, by a letter of attorney executed before a Notary Public of the place of residence of the Constituent, and bearing upon the face of it proof that it has been recorded in the office of said Notary and that said constituent is known to him, or has been satisfactorily proven, to be a citizen of the United States and to have his residence at such place.

§9. That the oath or affirmation of every purchaser

shall

shall be made and subscribed in duplicate, and be moreover recorded in the office where taken; and one of said duplicates shall be attached by the seal of such office to the ~~copy of~~ Bill of Sale, ~~&c~~ and shall, from and after such attachment, constitute a part of every such document, essential to the validity thereof for the protection of the vessel until her return to the United States, or for any purpose whatsoever; and the other of said duplicates, ~~shall, together with~~ attached to shall be an authenticated copy of the Bill of Sale, ~~&~~ be transmitted to the Secretary of State for the Register of the Treasury, ~~&c~~ the same ~~time~~ under the same envelope with the half of the original ~~register~~ certificate of registry, the transmission whereof is required by the Seventh section of this act. And it shall be the duty of the Register of the Treasury to add a statement in regard to all such vessels, ~~to the~~ as an appendix to the Statement required by the fourth section of this act, which appendix shall also be ~~&c published at the same time~~ published as a part of said Statement.

§ 10. That in case of any such sale or transfer as is described in the Seventh section of this act, ~~such sale or transfer, if~~ made to ~~or for the benefit of~~ directly or indirectly, by way of trust, confidence or otherwise, for the benefit of any such person, or ~~&c~~ made to, or for the benefit of, any citizen of the United States, not entitled by the act to which this act is an addition to ~~&c~~ own a ship or vessel of the United States,

of the subject or citizen of any foreign prince or state, or

directly or

trust,

to wit, any such citizen who resides in a foreign country, ~~and is not employed~~ except he be a Consul of the United States, or an agent for and partner in a house or copartnership, consisting of citizens of the United States and actually carrying on trade within the United States; such sale or transfer shall be made by some instrument ~~of~~ in writing in the nature of a bill of sale, which shall recite, at length, the certificate of registry above required to be divided; and such bill of sale shall be sealed and recorded in the office of the Consul, Vice-Consul, Commercial agent or Vice Commercial agent of the United States, if one there be. And upon the face of such bill of sale, and of the record and of every authenticated copy thereof, shall be written the words "This vessel is no longer a ship or vessel of the United States:" which words shall be written in letters of not less than one half inch in height, and above the signatures, or between them, in such way that they cannot be cut out without manifest mutilation of the instrument. And an authenticated copy of the bill of sale shall be transmitted to the Secretary of State for the Register of the Treasury, under the same envelope with the half of the original certificate of registry, the transmission whereof is required by the Seventh Section of this act. And it shall be the duty of the Register of the treasury to add a statement in regard to all such vessels, as a second appendix to

to the Statement required by the fourth Section of this act, which appendix shall also be published as a part of said Statement.

§11. That, excepting the endorsement of a change of master, required by the fifteenth Section of the act to which this act is an addition, it shall not be lawful to make upon, or to attach to, any certificate of registry, any instrument of writing whatever excepting only a Bottomery bond upon the Ship or vessel to which the same belongs; and [illegible] made upon

§12. That in any suit or prosecution for the for= feiture of any bond taken under the Seventh Section of the act to which this act is an addi= tion, in regard to the use of a certificate of re= gistry and the delivery thereof by the master upon his return to the United States, the return of such master being proven, the defendant or defendants shall be held to prove by what vessel, at what place, and at what time it did occur. And in default of such proof the bond shall be forfeit.

to the Statement required by the fourth Section of this act, which appendix shall also be published as a part of said Statement.

§11. That, excepting the endorsement of a change of master, required by the fifteenth Section of the act to which this act is an addition, it shall not be lawful to make upon, or to attach to, any certificate of registry, any instrument of writing whatever excepting only a Bottomry bond upon the ship or vessel to which the same belongs; and if any other instrument of writing be made upon or attached to any such certificate, with the consent of the master or owner in whose custody it shall at the time be, such certificate shall become forfeit and void. And if any Bottomry bond shall be made upon or attached to any such certificate with the intent to evade any provision of this act or of the act to which it is an addition, in regard to the ownership of the ship or vessel to which such certificate belongs, by giving to any person or persons ~~other than~~ not named in such certificate any controul over such ship or vessel, contrary to the true intent and meaning of these acts, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, or of the value thereof, to be recovered, with costs of suit, of the person or persons giving or accepting such bond.

§13. That the provisions of this act shall be held to be in addition to, and not as substitutes for, the provisions of the act to which it is an addition.

§14. That all forfeitures incurred under this act

shall

shall ensue, one moiety to the United States, and the other to the person or persons who shall sue for and prosecute the same to effect; and ~~the~~ every imprisonment incurred under this act shall be suffered in the Penitentiary of the District of Columbia.

§ 15. That prosecutions, informations or actions for offences under this act may be brought at any time within five years after the commission of the same or after the return of the offender to his known place of residence in the United States.

2? - 13 Feby

Mr Livingston

No. 67.

Extract

Consulate of the United States of America
Havana, January 25th 1839.

Hon: John Forsyth
Secretary of State.

Sir,

Since the affair of the Brig "Thomas of Havana", two vessels of the same character have arrived from New Orleans. But for the disconcerting effect of that affair upon the new plan of operations whereof it was the first specimen, (and one of so unnecessarily bold a type as to have caused the author of it to be cautioned and entreated by those interested in the business, not to jeopard the common weal by such fool-hardiness, and afterwards to be cursed for having done so spite of their remonstrances,) but for the result of that first move, at least a dozen vessels would, by this time, have been sent to, and returned from, New Orleans; and many of these would at this moment be on their way to the coast of Africa, under the flag of the United States,

and

and provided with a document, which if it do not prove of far more imposing aspect than an American Register, this will not be for want of signatures and countersignatures: corroborated too by abundance of seals. — A copy of one of these is enclosed. The cost of such a masquerade dress, including all expenses attending the voyage in quest of it, appears to be about $2000. Such, at least, I have learnt from good authority, was the cost in the case of one of these Schooners: and it may be inferred that it is about the same in other cases. The particular items of which this sum total consists, I did not enquire about.

In anticipation of the arrival of vessels of this description, and to prevent the parties here from incurring the loss and inconvenience of lading them before discovering that they could not be cleared by me, I instructed the Vice Consul (who discharges the duty of receiving ship's papers,) to give notice of this fact whenever the occasion should offer.

This has proved the cause of

various

various applications to me, to know if there were no possible way in which a vessel of this description could be allowed by me to clear under our flag: all which have met the same answer, "absolutely impossible, under any pretext whatever, until I receive instruc=tions."

I enclose a letter received by me from Captain Albert. F. Ryan of the Schooner Swift of New Orleans, (late the Conchita, ~~in the service of Pedro Martinez & Co., the most distinguished, perhaps, of all the slave tra=ders of this place,~~) and a copy of my reply, written on the day on which he requested it.

Enclosure No 2.

Enclosure No 3.

The Captain's letter (whereof I send retaining an exact copy) the original, is valuable, as being an honest avowal of facts known to every one, although it would, probably, prove impossible to es=tablish them in a court of justice.

I have been fully aware from the begining that I should subject myself to actions for damages, the far from impro=bable result of which (owing to the difficulty of judicially proving facts of this nature, however notorious,

notorious,) would be adverse. But I experi-
-ence no concern whatever on the subject,
being fully satisfied that, under all circum-
-stances, if it were to cost our country a mil-
-lion of dollars, that, or indeed any amount
of money, would be well spent; and enter-
-taining no apprehension, that the justice
of the government will allow me to
suffer.

I will repeat here, that my
opinion in regard to vessels of this kind,
is the result of a <u>thorough</u> examination
of our laws; and that I do not entertain
a shadow of doubt that it will be sub-
-stantiated in the completest manner, so
soon as I can accomplish the task (to
which every spare moment is devoted) of
analysing the legislation of Congress upon
the subject.

Meanwhile, as a specimen of
the looseness with which this matter has
been treated, and of the little reliance
which is to be placed upon current notions
in regard to it, I will refer you to no less
a lawyer than Chancellor Kent (Commen-
-taries,

-taries, v. 3. p. 146.)

"Every vessel, wherever built, and owned by an American citizen, is entitled to a custom house document for protection, termed a passport, under the act of June 1. 1796." The ground upon which this position is advanced, is then given: "for it applies to 'every ship or vessel of the United States, going to any foreign country'."

Now, this argument rests altogether upon the assumption, that "ship or vessel of the United States" means, ship or vessel "owned by an American citizen"! But this is the very reverse of truth. "of the United States" is a technical expression, having a precise meaning, which was formally established and affixed to it, at very outset of our legislation, in the very first act of Congress (Sep. 1. 1789) for the regulation of vessels. Those words are there established as a denomination, which shall belong to such and such vessels, "and no other". This is again repeated in the first Act of the next Congress (Dec. 31. 1792.) — Having taken this precaution, Congress had surely a right to

to expect, for ever after, to be understood when, using this designation, they spoke of "ships or vessels of the United States": and if not for ever after, at least so shortly after as the 1st. of June 1796. —

Again, compare with the terms of the act of March 26, 1810, what Chancellor Kent (v. 3. p. 145) gives as its substance; particularly, when this is taken in connection with what follows on the next page. In saying "or to vessels wholly owned &c", he omits all notice of the words "at that time" (towit the 30th. June 1810) which are contained in the act, and which show that the only object in adding any thing to the words "except to vessels duly registered or enrolled and licensed as vessels of the United States", was, to include also within the permission, or rather, to except also from the prohibition, particular vessels, then in existence, and entitled to (although they might not have been taken out) the documents therein specified. —

This writer affords

many

many more topics for remark in this field. But I must here close for the present.

I am, Sir, very respectfully

Your Obed.t Serv.t

P. P. Wilson.

Copy ell

State of Louisiana,
City of New-Orleans.

Be it known, That this day before me, Carlile Pollock, Notary Public, in and for said City duly commissioned and sworn, Personally came and Appeared

Manuel Simon Cucullu a copartner of and herein acting in the name of the firm of M. S. Cucullu Lapeire & Co. of this City, attorneys in fact of Don Pedro Alvarez of the City of Havana & Island of Cuba, duly constituted by the substitution made to them on the 30th October last before Francisco Valeiro, Notary at Havana, from Pedro Martinez & Co. of the procuration granted in favor of the latter by the said Pedro Alvarez before the same Notary on the 26th March 1831. Who declared, that for the consideration of Two thousand dollars to the said M. S. Cucullu Lapeyre & Co. paid in ready money, the receipt whereof they hereby acknowledge they do, in the name and behalf of the said Don Pedro Alvarez

By these Presents, grant, bargain and sell unto Albert F. Ryan, of this City, here present, acknowledging possession and accepting his heirs and assigns, the Spanish Schooner called the Conchita of the Havana, belonging unto their said constituent, together with her boats, rigging, sails, masts, spars, tackle, apparel and furniture as she now lies in this port: Which vessel is Sixty four feet two inches in length, eighteen feet one inch in breadth, and six feet eight inches in depth, and measures sixty six 66/95 Tons.

To have and to hold the said Schooner & appurtenances

unto the said Albert. F. Ryan his heirs and assigns, to their proper use and behoof forever. And the said sellers for their said constituent, said Schooner and appurtenances to the said purchaser his heirs and assigns, shall and will warrant and forever defend against the lawful claims of all persons whomsoever, by these presents. And thereupon the said present purchaser declared that it is his intention to change the name of said Schooner, to be called hereafter the Swift of New Orleans.

Done and passed, at the City of New Orleans, in the presence of Archille Chiapella and Herrman Lucas witnesses, who have hereunto signed their names, together with the parties, and me the said Notary, this seventh day of December one thousand eight hundred and thirty-eight.—
(signed) Albert. F. Ryan. (signed) M. S. Cucullu

(sig.) A. Chiapella
H. Lucas

(signed) Carlile Pollock

I Certify the foregoing to be a true copy of the original act extant in my Register, according to the law and usage of this State. In Faith Whereof, I grant these presents under my signature and the impress of my Seal of Office at New Orleans, this seventh day of December one thousand eight hundred and thirty eight.

Seal

(sig.) Carlile Pollock

State of Louisiana
City of New Orleans.

To whom it may concern, be it known

United States of America

State of Louisiana

STATE OF LOUISIANA JUSTICE UNION & CONFIDENCE

By Edward D. White
Governor of the State of Louisiana.

These are to certify, that Carlile Pollock whose name is subscribed to the instrument of writing herein annexed is now and was at the time of signing the same a Notary Public in and for the City and parish of New-Orleans, that his signature is genuine and that all his official acts as such are entitled to full faith & credit.

Given at New-Orleans under my hand, and the Seal of the State this Eighth day of December one thousand eight hundred and thirty eight and of the independence of the United states the sixty third.

(sig.) E D White

STATE OF LOUISIANA JUSTICE UNION & CONFIDENCE

By the Governor:
(sig.) Wm C. C. Claiborne
Secretary of State

D. Antonio Argote Villalobos, Consul de S. M. C. para el Estado de la Luisiana con residencia en Nueva-Orleans.

Certifico q. las firmas de la vuelta son del Sr. Gobernador de este Estado de la Luisiana, y del Secretario del mismo Estado, y el sello de q. han usado el de la propia secretaria, á cuyos documentos asi firmados y sellados se da entera fé y credito en juicio y fuera de el. Y para que conste doy el presente firmado de mi puño y con el sello de este Consulado en la Nueva-Orleans á 11 de Diciembre de 1838.

Seal.

signed
Antonio Argote Villalobos

that on this Seventh day of December, eighteen hundred and thirty eight, before me Carlile Pollock, a Notary Public in and for this City of New Orleans, duly commissioned and sworn, personally came and appeared Albert .F. Ryan, of this City, to me Notary well known, who having been duly sworn to declare the truth deposed that he is a citizen of these United States, and the true and only owner of the Schooner called the Swift of New Orleans, (formerly the Conchita of Havana,) being the same vessel which is described in the within deed of sale, and that no citizen or subject of any foreign Prince or Power is interested in said vessel, nor in her gains or issues by way of trust confidence or otherwise howsoever, and thereupon he signed his name.

signed

Albert .F. Ryan

And I the said Notary do hereby certify, that said vessel being of foreign construction is precluded by the Laws of Congress of these United States, passed the twenty sixth March 1810, from having any Register or sea letter, and these presents are intended to supply as far as may be the want of such documents by proving that said vessel is bona fide the property of a citizen of these United States of America

In witness whereof I the said Notary have granted these presents under my signature, and the impress of my seal of office at New Orleans this Seventh day December 1838.

Seal

(signed) Carlile Pollock

Unregistered Schooner

Swift

67 and 67/95 th tons

Swift

Rec'd with Consul Fiske's No 67

Havana January 18th 1839

From Albert F. Ryan
of the Schr Swift

To the American Consul of this City and port

Sir

I called at your office several times without being able to obtain an audience, not in has variably been my answer as I have no wish on the world to be troublesome or intruder on your privacy. I, v adopted this method of laying before you my wishes & views as trifling as they may appear to you are of consequence to me. and as an american citizen I demand the right of being heard

This voyage that I engaged to perform would have been advantageous to me if you had not put your veto on and crushed it in the bud. which has made it just the reverse as I was at considerable expence preparing for it. not having the most distant idea it would have been obstructed and perhaps terminated at this place. my reasons are rational enough my individual arrangements were made with one of the most respectable houses at New Orleans the Schr was regularly cleared as an american vessel and the usual bonds signed at the Custom House in the presence of Mr Brecklove the Collector owned and commanded by an American citizen and sailed with a protected crew. now what young man would under these circumstances suppose he would have any difficulty thrown in his way. I answer not one. the Collector of such a port as New Orleans the second Commercial Sea Port in the United States has a very responsible office to fill as you are very well aware of, it is presumed no ordinary man would be placed there, nor one unacquainted with Commercial transactions, nor one that would knowingly do what was wrong, in fine he is sworn into office to do his duty with

fidelity to detect fraud and support the Constitution now an officer of such
high standing and trust in the Republic would in my humble opinion be a
criterion of no inferior kind and would by most persons considered be a sufficient
guarantee in their official capacity to move by. This officer as I have said
before cleared me out from the United States but you refuse to do the same from
a foreign port. because a law passed in 1810 forbids it that law in my
opinion is not explicit enough on that point to justify your putting it in
practice in this case. I dont perfectly understand it, it can be read two ways
in fact it dont appear to have ever been put in practice. otherwise the collectors
of the ports would have taken particular notice of it and would by no means
have jeopardized their sureties by infringing it. Now what I ask is if you
will not clear me out for a foreign port. let me clear for New Orleans where I came from
and if I have done wrong. I can there rectify the mistake. I will give bonds to
the value of the vessel that I'll go direct to that port with deviation. You
told me in your office the other day the Collector of the port of New Orleans was
bound to clear me out. then you are surely bound to do it. as he sent me from the
United States an american vessel which my papers prove. I can see no reasonable
objection you can have to sending me back the same with the same papers. laws
should not be put in force untill they are passed and make known to the people. if
Congress would pass a law to this effect. that under any circumstances whatever no
vessel shall be entered or cleared out of a port in the United States as an american
nor have any protection from the Country, neither wear its flag except she have
a register or license once they were sailed with. she should forever remain an alien
there would be no enigma but plain sailing. any man with two ideas above a

goose would understand this and Know what was meant by it. but as the law runs at present. men of such standing as yourself and Mr Breedlove differ in its meaning As I have proceeded so far on my voyage it is ungeneous to defeat it for this reason your humble Servant and some two or three Americans will be thrown out of employment if you appear resolved to put a stop to this turning foreign vessels into American vessels. I am perfectly of your opinion. I grant it ought to be stopped. I am sensitively alive to the interest and honour of the Country I, ll sacrifice private interest for publick benefit at any time by such a law as I have mentioned: these people would be compelled to buy a registered american vessel every voyage to do their business which of course would throw more work in the hands of the american Mechanic if I was disposed or rather for fear of trespassing on your time I would lay before you a case and prove to your satisfaction wherein the naturalized citizen has and do make a great convenience of american protection than in any case for hire employment is given to the Citizen emegrants go to some Court house in the States and get their papers shortly after their arrival them ready made if they are not particular about names (not quite so common) american seamans protections bought & sold at 25 cents a piece (I, ll admit) with that paper in his possession he is a ready made yankee off he starts for Mexico he gets into business and into difficulty calls upon his adopted country and comes very nearly bringing this flag which I peaceably wear at my mast head, in the fields of battle to be defended by the native citizen. two thirds of the claims on Mexico I am told have been sent in by this kind of men. I could have enlarged on this subject and placed it in a stronger light. but I will not worry you I merely mentioned it to show that the government sanctions the issue of papers indiscriminately that are likely to do more harm than those Mr Breedlove gave one. they are of daily occurrence mine is a rare one. and ought to be suffered

to pass but never repeated. In conclusion I again repeat either yourself or Mr. Breedlove is in the wrong. I'll not take it upon myself to decide but I hope you will decide in my favour. If you have written to the Secretary of State to stop these proceedings he will no doubt notify all collectors to that effect, this in all probability will be the last case you'll ever be troubled with then be lenient and let it pass.

I am Sir very Respectfully
Your most Obedient
Thos. Jot. Albert F. Ryan

you will have the goodness to reply to this either through the post office or leave a note with the Vice Consul I will be at your office on Monday at 11 o'clock. I lay on the opposite side of the city & don't come into town every day or I would not have troubled you with this letter I could have managed to see you

N. P. Trist Esq.
American Consul
Havana

Consulate at Havana No. 67. — Enclosure No. 3.
Rec.d with Consul Fritt's No. 67.

(Copy)

Consulate of the United States of America
Havana January 21st 1839.

Captain Albert F. Ryan,
Schooner Swift

Sir

The mass of urgent matters now pressing upon my hands, and daily accumulating despite of every exertion I can make, renders it indispensable that I should as far as possible avoid interruption by transacting business through the Vice Consul. For this reason he was instructed to say to any person who should make enquiry, or wish to see me, on the subject of any of these vessels, (carrying such papers as yours) that it is absolutely impossible that I should consent to their clearing from this port under the American flag; and that consequently, as all discussion on the subject must be fruitless, I could not afford the time for entering into any with any one.

The ground upon which this determination has been taken is, a perfect conviction that I have no right, by any act of mine, to recognise these vessels as entitled to navigate the high seas under the American flag. This ground leaves me no discretion

whatever

whatever in regard to the port for which it may be proposed to clear the vessel, whether it be for one in the United States or for the coast of Africa. But even if I had a discretion on the subject, it could not be exercised without converting the whole proceeding on my part into a farce, which would be attended with no other effect than to bring disgrace upon our government, by subjecting its Consul to the imputation of having got it up solely for the purpose of extorting bribes from the individuals here interested in these voyages. All that they desire is, as you know, that their vessels should once get clear of the Morro, under the Americ- -can flag; and I need not tell you that were I to consent to such a proceeding, there are a few men in Havana who would not at once ascribe it to bribery. And although you should faithfully ad- -here to your promise to take the vessel to New Orleans, others who would be entitled to the same arrangement would not fail to abuse it.

But, as above stated, the ground which I have taken leaves me no discretion on the subject, and would not allow me to consent to the clearing of any such vessel, were it but for Matanzas even, or to her passing the Morro.

I sincerely regret the inconvenience and disappointment which you thereby experience

experience; the more so because your department presents a strong and honorable contrast to that of others, who seem to think themselves entitled on all occasions when any thing adverse to their wishes may be done by the Consul, to offer him indignity and insult. If it were in my power to do anything in your favour, it would afford me real gratification to do it.

I must before closing, correct an error into which you have fallen, in supposing me to have said, in our interview the other day, that the collector at New Orleans "was bound to clear you." What I did say, in reply to your remark on the subject, was, "that for aught I knew, there might be some law, under which the collector felt himself bound to give a clearance to any vessel for which an American citizen demanded one, as being his property: leaving upon himself all the consequences of such demand if the vessel should prove not entitled to navigate the high seas."

I am, Sir, very respectfully,

Your Obed. Serv.

N. P. Trist.

No 2 to Key
Kingsbold

No. 68.

Consulate of the United States of America
Havana, January 26 1839.

Hon: John Forsyth
Secretary of State
Sir,

The course pursued here recently by Commander Babbit, of the United States Ship Boston, has been of a nature to impose upon me the unpleasant necessity of making, so soon as duties of more importance shall allow me time for the purpose, a representation to the government, as the ground of a demand upon its justice, that the most pointed and public censure be passed upon either that officer or myself.

I should not now trouble you on the subject, however, but for an incident of a peculiarly urgent nature, from its being calculated above all others that could occur, to augment the difficulties, already next to insurmountable, to the discharge of the most unpopular (and most deservedly so) of all the duties of my post: one which no Consul of the United

States

States can be otherwise than absolutely regardless of, without drawing upon himself a load of odium and obloquy which few could bear up against; but which I flatter myself that I shall, despite the reenforcement it now receives from the commander of a United States Ship of war, affording besides by his conduct a general countenance and companionship from the Navy of my country to some of the most infamous characters in Havana, — of notorious infamy, and of the lowest depth of blackguardism.

The Schooner George A. Crook of Baltimore, William Moore, master, having been sold, the master evinced, as was very natural, a strong desire to escape that most grievous and tyrannical and absurd exaction, (as I have always considered it) the three months extra wages. To effect this end, he, to use a sailor phrase, "tried every tack." — First, he produced a paper, whereby, he said, the seamen had "signed off" their claim to all but two months extra wages. But, running my eye over the paper, solely for the purpose of sparing the feelings of the man who offered it for my perusal, I told him that if they had

had signed a hundred documents, they could avail nothing against the law; - the only document which I could govern myself by, being the Crew-list; for every person set down upon which as an american citizen, the extra wages must be paid. He then had recourse to the expedient, that there was not a man on board who answered to a name on the Crew list. To this, I re-plied that I must compare the names on the crew-list with those on his shipping Articles. If they proved different, I would then call up the men, and should any of them give as his name, or as the name under which he had shipped, a name not to be found upon the Crew list, he would not come under the letter of the law, and I should not insist upon the extra wages, but report the case as illustrative of one of the many forms of fraud which the law was ever giving rise to.

He thereupon produced the Articles; and, to save time and trouble in writing an ofico to the Captain of the Port, asking him to send me the Crew List, I despatched my clerk, Mr. Crusoe, to copy off

the

the names contained in it, and also to make note of the collector's endorsement as to the number of american citizens. These were brought to me, together with the information, that the word "foreigner" ap-peared, freshly written, opposite to one of the names on the face of the crew list; but that on turning to the Collector's en-dorsement on the back, that word was belied. He also informed me, that the person in charge of the Crew-lists at the Captain of the Ports had expressed himself as greatly annoyed at the repeated applic-ations of Captain Moore to see the Crew-list. (The Captain had informed me that they would not deliver the Crew-list to him, to bring to me, without a note from me; and had evinced a strong desire that I should inspect the List itself, and to that end that I should give him a note, in order that he might bring it to me!)

On comparing the names with those on the Articles, they proved to be the same; and the national character of the persons also the same (so far as I can recollect, although this is a circumstance

of

of no moment,) on both documents. I therefore told the Captain that the wages must be paid; notwithstanding which, he made another effort to save at least one of the ~~fifty-four~~ sums of dollars, by remarking that there was one of the men who went by the name of "Bob" (I think it was) and that he could see no Bob on the Articles, nor on the Crew list. The matter finally ended by the master's making a virtue of necessity (owing solely to the dread with which I have inspired them) and paying the wages.

During the course of this business, Captain Moore enquired very particularly, at least half a dozen times, if it was absolutely unavoidable that he should pay the extra wages; and, as often, received the assurance that it was so, — that I was sorry for him, (he told me that it came out of his pocket) considering, as I did, the law to be a detestable one; but there was no other course for me but to insist upon it, and for him to comply.

This happened on the 24th inst. — On the evening of the next day, I

was

was informed by Mr Crusoe that upon passing a large ship chandlery on the Plara de Armas, frequented by Captains of all nations, he had been stopped by Captain Moore, who, referring to my course on the day previous, stated that "Commodore Babbit had informed him that he had no right" (as Captain Moore expressed it,) "to pay any extra wages; — that all he had to do was, to put his men on board of a vessel for the United States"!

The pleasant and beneficial influence that this must have upon the state of things here, needs not to be pointed out; nor the necessity that I should, at the earliest posible moment, be protected from the recurrence of any thing of the sort.

But for the course pursued by Captain Babbit upon analogous points, I should have doubted this; or at any rate ascribed it to venial ignorance and inconsiderateness. For this, however, there is no room left me. He has, I believe, allowed himself to be made a tool of here, by individuals whom no officer of our navy could associate with, without

without degradation to his button. And this, I am constrained to believe, by circumstances hereafter to be detailed, has happened not unwittingly nor unwillingly on his part: the occupation which they have provided him with being attended with the treble advantage, of affording a fine opportunity for displaying his devotion to the vindication of the rights of American citizens, — a most convenient pretext for passing his time in the enjoyment of the pleasures of this port, and, last though not least, preventing his return to Pensacola until after Commodore Dallas shall have been relieved of the command of the Squadron.

I am, Sir, very respectfully
Your Obed.t Serv.t

L. P. W.S.

But for the course pursued by
Captain Bibbit upon an urgent point,
I should have doubted this, or at any rate
wished it to wear a more favorable
aspect. For this
however, there is no remedy. But as the
case, I believe, allowed time for it, we must
[illegible] by endeavouring to
[illegible]

2 - 17 March
Rigged

No: 69.

Consulate of the United States of America
Havana, February 24th 1839.

Hon: John Forsyth
Secretary of State

Sir,

Upon accidentally visiting my office to-day, (Sunday) I found there your letter of the 19th of November last, (enclosing various papers relative to the case of the Brig Pearl) which had just been delivered to my Vice-Consul by a Mr. Dean, who informed him that he was from Trinidad de Cuba, on the South side of the Island. The envelope of this despatch bears no post-mark, whence I infer that it left Washington in the charge of some one who has encountered accident. The same ground of conjecture is afforded by a letter received in company with it, dated October 27th 1838, from my friend Judge Lomax of Virginia, asking me to procure some tobacco seed for one of his. Perhaps Mr. Dean will be able to give me an explanation of this somewhat mysterious incident.

In regard to the affair of the Pearl, I have time at present only to say that it is one, and the strongest, of the cases illustrating the shocking and disgraceful state of things under our flag, which I some time since announced it as my intention to communicate to you. It is my solemn conviction, that, could the matter but have been made the subject of a fair trial in our country, the three

deponents

deponents whose affidavits accompany your letter, would, by the most upright and intelligent jury that ever sat there, have been convicted of Murder; and that, made the more hateful by the fact that it was perpetrated in the unrestrained and deliberate exercise of brutal vindictiveness upon a victim whom the law forbad to strike in his own defence; and who, I do most firmly believe, could he have been released from the sense of that obligation, would, single-handed, have made his three assassins bite the dust in less than as many minutes, if indeed, which I do not believe, they had dared face him long enough to make it necessary for him to make them feel the power of the noble arm which they pinioned before they ventured to wreak upon him the rage of their dastard hearts.

I will, for the present, add no more than, that, in relation to this subject generally, I stand upon ground which cannot be shaken. It is beyond human power to do it; and this shall in due time be demonstrated to Mr. Enoch Train. If I could entertain a doubt upon this point I should abjure the title of Citizen of the United States, and go kiss the feet of Prince Metternich. Mr. Train's letter might be signed by all the merchants in the United States, and still it might just as well be written for the purpose of shaking the rock of Gibraltar as for that of shaking me in the position which I occupy on this subject. There are some things which one may unhesitatingly pronounce impossible to all but the power which may reverse the order of the universe; and of this number is the attempt of any merchant or any combination of merchants to bring about any such result,

with

with the Government of the United States. — To any such end such letters will prove altogether futile; although I am not sorry that they should be written, inasmuch as they are of use as evidence of the existence and the power of influences which, in my opinion, render, and will, until exterpated, continue to render, our Consular system a deep disgrace to the Country.

I am, Sir, very respectfully
Your Obed.t Serv.t

J. P. Wills.

Postscript Feb. 25. — W. Dean has been here, and delivered a letter of introduction from W. Gray, our Consul at Trinidad; in which W. G. states that the dispatch from the Dep.t of State, and the letter abovementioned were, on that morning (18.th inst.) received by the Brig Philadelphia of Philadelphia, which had got aground on Bermuda & been detained there in consequence.

Ans'd

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- Ninyyolo

No. 71.

Consulate of the United States of America.
Havana, April 10th 1839.

Hon: John Forsyth
Secretary of State
Sir,

I had hoped to be able to clear my writing-table of the greater portion, at least, of the materials for communications to you which it is piled with, before the time should arrive when the return of the U.S. Sloop of War Boston from this Station should forbid the further postponement of a task more unpleasant by far than any that ever devolved upon me.

In my communication, No. 68 of the 26th January, I was led to allude to the course pursued here by the commander of that vessel, Edward. B. Babbit Esq, with regard to myself, as the subject for a future appeal to the justice of the Government. Were it merely for the bearing of that course upon myself individually, or, what is of greater consequence, upon the public character with which I am invested, the subject might be, and would be, postponed to others of more moment, to which my time ought at present to be uninterrup-

tedly

-tedly devoted. The grave matters of crimination, which, as the most conspicuous of many blind instruments of two individuals of utterly and notoriously blasted reputation, he has fancied to have collected here against me, are, of themselves, without the necessity of adverting to any thing extrinsic to them, so easily proved futile, that they have never cost me a thought except as to the mere labor of entering into the details requisite for conveying a conception of the truth in regard to them, and for exposing, once for all (as I had become satisfied that it was advisable I should do) the machinery under the table on which he has allowed himself to be stuck up as a puppet.

My vindication in regard to these particulars requires, as I have observed, no reference to aught extrinsic to them; and if I entertained the idea of explaining the dirty machinery which alone had brought about the necessity for any thing in the shape of a vindication, it was with a view to save trouble hereafter by making known the reckless infamy which is incessantly busy in efforts of a like tendency.

A fortiori, therefore, it is unnecessary, with regard to the particular topics thus brought up between Commander Babbit and myself, that, going beyond the notorious scoundrelism of which he has been made the tool, I should invite notice to the cause through which he has become so.

This

This motive does not exist. Personal malevolence on my part might be an adequate one. In regard to the influence which this may have exer-=cised upon the determination to which I have come on the subject, I am fully aware of the imputations to which our relative positions naturally subject me. These, however, do not deter me. Conscious as I am that vindictiveness is as foreign from my feelings as it is from my settled conviction of what is right and manlike; and convinced as I am that to all who posses any knowledge of my natural disposition and habitual character, words on this point would be superfluous, I will make the plunge. Nor, — such is my hourly strengthening faith in the buoy-=ancy of truth in our day, and, above all, in our country — do I entertain any dread of the angry waves into which I am adventuring.

Our Navy: — no American who knows aught of its condition, and has a feeling for his country, but pants to see the work of reform begin. Not a single point of view under which it can be contemplated, but discloses the strong, the urgent necessity. To me, it seems, has it been reserved to lay bare its gangrene, and call for the cautery. If there be any faltering now, the perdition of this pride and darling of our country is sealed.

Long have I been aware that this

operation

operation was called for; nor have I let pass the few opportunities that have presented themselves to draw attention to the necessity. But never before, had I a conception of its urgency.

Among the petitions presented to Congress during the last session, I noticed one from Boston Merchants for abolishing the grog-ration in our Naval service. To these gentlemen I would say, begin nearer home. Before you can hope, for, or have any right to expect sobriety in the sailor class, provide them with sober captains. Do not allow it to remain all chance, or nearly so, as it now is to the poor sailor when he signs a Shipping-Articles, whether he is to find himself under the government and care of a <u>man</u>, or in the power of a <u>brute</u> worthy of the Rum-God whom it worships. Before you spend your time writing petitions against grog, busy yourselves in establishing a line, deep, broad, practically effective, between one kind of captains - at the head of which are men to whom Nelson would have delighted to give his frigates, to sail them into action - and another kind, which embraces individuals who would be a disgrace to the flag of Botany-Bay, if there were such a thing, and whose conduct in foreign ports makes it equally hard to conceive how their Ship-owner could have had

any

any motive for giving a command to an individual
fit for nothing earthly but to <u>be drunk</u>, or how the latter
could possibly have managed to keep sober long enough
to present himself once in that state to his employer.

In regard to our Navy, I would
ask them whether it would not be cruel mockery —
it, indeed is so already, for a sailor is punished if he
get drunk — to "stop the grog" of the crew, while, with
if they did not, unless it
their own eyes, the cabin boy would bring them an
hourly account of the number of "pulls" the captain
had taken, and a nightly one of his being drunk?

Are such spectacles exhibited in our
Naval Service? Alas! yes. Even my limited range
of personal observation (to say nothing of report)
has afforded occular proof of the deplorable fact.

Although so far a doubter of the justness of
the adage about speaking of "the dead," that if the
alternative were forced upon me to speak unwelcome
truth of either a living or a dead man, I should
deem it the dictate of humanity to select the latter,
as presenting the lesser chance of inflicting pain, —
yet my judgment and my feelings both recognize its
force so far as it inculcates abstinence from all pain=
=ful disclosures when these are not requisite to
some useful end. But this, with me, is its limita=
=tion: beyond which I yield no conformity to it.

I will say, then, that, on my voyage
from

from Norfolk to this place, some years since, in the Sloop of War St. Louis, Charles Stewart M'Cauley Esq Commander, I was twenty-odd days in the same cabin with the Commander of our West-Indian Squadron, (a passenger in the same Ship) the late Commodore Henley, brother-in-law of the late Commodore Rodgers; and my belief is that he did not, during that whole time, draw a sober breath.— It was an endless alternation from one liquor to another, and one admixture to another, until at night his tongue would be so thick that he could not articulate. What were the feelings which he manifestly awakened in his two attendants, a black waiter and a sailor-lad; and, through them, in the crew, with whom they were in constant communication, may be left to be inferred.

On that short voyage, the ship would have been inevitably lost, three several times, had she been steered in the way that the Commodore insisted upon as being the proper course for her; and which would have been given to her, had not Captain M'Cauley, resisting the Commodore's dic-tation, told him that he would have her steered that way, if he would give him an express and positive "order" to that effect, but not otherwise. The same imbecility which occasioned the dictation created, or rather strengthened (for it was evidently and avowedly a long cherished cardinal principle,) the fear of

responsibility

responsibility. These three escapes from wreck were not conjectural, but demonstrable, positively and absolutely; as could at this moment be shewn had I the charts before me. One of the places where we should have gone down, in the night, was the Silver-Keys, off the North coast of Stᵒ Domings, — another was the Gran Cayman, — the intermediate one was, I think, the west Cape of Stᵒ Domingo.

This specimen — every thing was of a piece with it — suffices to judge by of the fitness of the Commander of our West India Squadron; who, but for the accident of his death, (which occurred not long subsequently, the morning after he had done me the hon-or of calling on me in the afternoon, on which occasion he took within the space of half-an-hour, two tumblers of very strong brandy and water,) would have held that post at the breaking out of the war with France, had that event not been prevented by her backing out of her position: so contrary to at least my anticipation.

At the first opportunity, Commodore H. shifted his flag to the Vandalia, Commander Webb, which, from the congeniality of mind and habits be-tween them was his favorite. — Concerning Captain Webb, my convictions are the less pleasant to me from there being of the number, one, that he is a good-hearted, well-meaning man, aided too by the circumstance that, being a distant relation of the Randolphs, he always evinced a disposition to claim

claim him, and be cordial towards me. But, with regard to his fitness for the command of a ship carrying two hundred souls, I do believe that, independently of his habits, he would be deemed by any prudent merchant a decidedly incompetent person to be entrusted with a trading Schooner; and I doubt whether a midshipman ever sailed under him, who, after a twelve month's service was not better qualified. He evidently was totally destitute of every resource in his solitary cabin, except the stimulus of drink and tobacco; and, if by "sober," be meant the state in which manifest indications are not presented of the influences, mental and corporeal, of soaking from morn till bed-time, then my experience accords with that of a lady who has seen much of him on this station, and who, although her feelings towards him are very kind, told me that she had never seen him sober but once. An inspection of his signature will alone suffice to convey an idea of the ordinary state of his nerves.

In the promotions which took place some years ago, from Lieutenants of his class, this officer was passed over.— This he told me, (and I believe that he was verily persuaded of it— for his understanding is of that grade which can scarcely be awakened to the perception of anything,) was owing solely to his having voted at Norfolk against Mr. Loyall, the democratic candidate for Congress! Messrs. Tazewell and Tyler had made a

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state

state affair of it, and had got the injustice remedied.

This may serve as an introduction to the state which things have come to at the present day, as exemplified in the scenes presented here by the United States Ship Boston, under the eyes, too, not of the Spaniards only, but of the English and French Squadrons then assembled in this port. They have been of a nature to crimson the cheek of every American capable of a feeling for his country.

The cause of all this is one and the same with that which, in the particulars directly concerning myself, have made of the Commander of that vessel the tool of two individuals here, of the deepest, most notorious, most <u>proverbial</u> infamy, — <u>Ferdinand Clark</u>, a merchant, and his Satellite, <u>Dr. Bumstead</u>: the latter, a thing beyond the pale of even the <u>thought</u> of any decent person, except the American strangers upon whom his assiduous effrontery — stimulated now by the stupid hope of affecting me, in addition to his obscene rapacity — fastens him; the former, one who would be equally unthought of, if the relations into which his calling has the power to force him, or his <u>name</u> rather, with decent men, were not attended with the effect of forcing it daily upon their notice, as associated with some piece of roguery, distinguished only by its reckless effrontery. As far back — <u>(how much further I have never asked)</u> as the time of my first coming out here, the name has never been mentioned in my presence without exciting a general laugh or smile —

smile, and a general expectation – which has seldom, if ever, been disappointed – of some feat worthy of it. To the best of my knowledge and belief, he had got himself before that time, and has continued ever since, in a general coventry, tacit, not concerted, (the case was too obvious to require any understanding to produce concert,) with every American merchant of the place. These are the characters whom our fellow-citizens, resident and transient, have had the mortification to behold as the chosen companions of those entrusted with the flag and wearing the button of our country! Dr. Bumstead making public parade of the closest and most familiar intimacy with Mr. Southall, the Purser and favorite companion of the Captain, and probably also (but of this I know nothing, having abstained from all enquiry into any matter connected with the ship or its officers) with others including the Captain himself! And this, notwithstanding my having availed myself of an early opportunity which occurred, to inform Captain Babbit of the character of these men; besides cautioning the chief medical officer of the Ship, Dr. Spotswood, (an old acquaintance, and a Virginian: two circumstances affording an additional motive to my anxiety for the respectability of the button,) against the con-tamination of "the most pestiferous blackguard in Havana", which I told him I deemed it my duty, under the circumstances in which

we

we stood, to warn him that the man was, who would be sure to obtrude himself upon him as an "American citizen" patriotically welcoming his countrymen in a foreign land.

The cause then, of all this is but too notorious here. The <u>imbecility induced by habitual, constant soaking</u> affords the clew to the occurrences which have rendered the visit of the ship Boston a memorable event at Havana, one never to be recurred to by any American worthy of the name, without deep humiliation. The tendency of such an example from the commander of a man-of-war, is too certain and too powerful to admit the supposition that it could be entirely unattended with its appropriate results. These however, might have fallen short of the reality that, to Spaniard, Briton, Frenchman, German, — to <u>all</u> save "the Yankees" — has afforded a rich fund of merriment, not intermixed with wonder, nor, on the part of the considerate, with regret and pity for the feelings which they could not but be aware must be awaken-ed in American bosoms by such a spectacle.

Of its nature, so far as depending directly upon Captain Babbit in person, a conception will be better conveyed by a few particular incidents than by any general account of his deportment: which, indeed, I am not qualified to give, having, I think, seen

him

him but three times, all in the forenoon, twice at my office, and once on board his ship; and having never sought to learn anything of his doings nor of those of his officers. This assertion, I wish particularly attended to. Every particular which has come to my knowledge has presented itself spontaneously; - for, to the best of my recollection, in no instance, has that ship or her officers, nor aught leading to either, been introduced by me as the subject of conversation.

The first of these incidents occurred, if I remember right, at a small dinner-party given by me in order to show some attention to Captain Mc. Kenney of the Ontario who had been particularly introduced by Commodore Dallas. To this party Captain Babbit (who was treated by me as the senior officer in port, - and, moreover, of whose habits I had not then the faintest idea,) was invited. He did not come, and his absence was made the subject of remark by my friend Mr Tolmé, the British Consul; who being exceedingly fond of, as well as entertaining in, table-talk and light conversation, is always well charged with the news of the day, the small as well as great. It was on this occasion, I think, that, addressing himself to us generally, Mr Tolmé, in a strain of friendly raillery that is perpetual with him, said "by the by, is it the custom in your service to offer grog to morning visitors?"

Ed?

visitors?" and explained his question, laughing in a very significant manner, by adding that Captain _____ of a British man-of-war, (the Brig Wanderer, I think) had thought it a little out of the way, that upon making a morning call upon Captn Babbit, he should have been repeatedly prefsed to take a friendly glafs, and had the example set him each time by way of encouragement.

Paffing over other incidents of the same complexion — only, that the scene was on shore, and, relating not to morning but evening, they partook of its graver hue — I come to the following, which occurred about the middle of the long detention of the Boston, in January and February, (when, being on her return to Pensacola, she put in here to stop a day or two at the utmost, as Captain Babbit informed me on his arrival,) caused, as alleged by her commander (for which vouchers were obtained for him through the instrumentality of Clark, Bumstead & Co) by his zeal in the discharge of the important duty of protecting American citizens. About the time just stated, an American resident of this place, a man my esteem for whom has risen precisely as I have had opportu-nities of knowing him, and who is one of the most decided specimens I have met with, of that clafs of men who never utter a superfluous word, — who mind their own business, take the world as they find it, and look on without speaking, — in short

short, the class which is directly antipodal to the Quixotic (to which some of my friends are disposed to assign me,) - this gentleman called at my office; and having got through the business that brought him, asked "Mr Trist, when is the Boston going to sail?" - Having replied that I did not know, it occurred to me as exceedingly probable that the question had not arisen from mere idle curiosity or talkativeness, but from some motive connected with business, and that it might perhaps be important to him to receive the information. So I asked, in my turn, <u>why</u>? The answer - not the substance of it, but as coming from him - took me somewhat by surprise, and first awakened me to a full sense of the extent to which the Scandal had reached. It was, as nearly as I can recollect the words, - "Why, it seems to me that she has been here long enough - for any useful purpose. If a man must be getting drunk and exposing <u>himself</u>, he might at least take off his uniform, and avoid exposing <u>that</u> to every eye!"

During the same period, meeting with another American, a gentleman of the first standing in his native city, who came to pass the winter here for his health, some remark from him, which I do not recollect, with reference to the scenes occasioned by the visit of the

Boston,

Boston, led me to say, "Well, Sir, you have here a sample of our Navy." Whereat he half-enquiring-=ly exclaimed, - "Oh! no; - they are not all like that - I dont call him a man, but a beast." "God forbid," said I, "I meant that you have here a sample of the influences under which our Navy is growing up and forming its char-=acter. To all practical intents its officers are told, be that - be anything, and you are sure of promotion when your turn comes; and, on the other hand, make yourselves what you will, and all such shall remain above you, over you, in command of you, and you shall never rise until your turn comes to be drawn up after them."

A third American mentioned to me, with disgust strongly depicted on his countenance, that Captn. Babbit had been taken by his friend Purser Southall, to be introduced to the family of one of the American merchants, and was "so drunk that the ladies were quite alarmed."

These constitute a portion of the partic-=ulars which came to my ears, - of me, who never appear at places of public resort, and whose habits in respect to "talk" are such, that, except to exchange "good morning" a good evening," or in the discharge of my official duties (the reception of strangers' visits included), I often pass day after

after day without exchanging a syllable with a living soul. From this an estimate may be formed of the richness of the fund which must have been collected by every one at all fond of gossip.

In making these statements, I withhold names, because I deem it wrong to expose gentlemen to be publickly drawn into this business in consequence of having chanced to converse with me, upon a theme which, although in every mouth, no one spoke upon in the design or expectation to have his remarks recorded. The statements must, therefore, rest upon my simple assertion. This, however, affords no ground of objection to them with reference to the purpose for which they are made: seeing that this is, not that any weight may attach to them as evidence, but merely to afford a general idea of the case as a subject for consideration and enquiry.

The affair of the Purser, Mr. Southall, in which he was wounded by a Spanish Lancer on guard near the theatre, on the night of a grand masquerade, must form the subject of a separate communication.

I will here mention, however, a small incident which appears worth mentioning as illustrative of the general state of

Ed.

things

things connected with this vessel; and in speaking thus, I must not omit to state that she was in first rate order, as might be expected from the reputation of Mr. Moore, her first Lieutenant.

The first visit of the Boston was early in December. She put in merely for refreshments, and was to resume her cruise immediately. On the 10th, she was announced to sail positively the next morning very early, (in consequence of which I had, to my great inconvenience, to write that evening a letter in reply to one received from Captain Babbit.) Instead of very early in the morning, however, her sailing took place in the afternoon or evening, I am not certain which. Notwithstanding this delay, the Purser could not find time to write, as he had engaged to do, a letter of advice, to accompany a draft upon New Orleans for $2,000 which had been prepared in my office at his request, and been signed by him. This draft was to be negotiated, to provide funds for paying the various expenses of the ship; and when the Ship-Chandler, who had undertaken to pay the bills and receive the amount from me, together with that due on his own account, called for his money, I had to inform him that he must wait: for I could not undertake to endorse the draft, even supposing it could be negotiated, unaccompanied with a letter of advice. (There were special reasons for caution in regard to this draft.) Nor could I tell him how

how long he would have to wait, although the probability was, that the ship would soon come in again "for refreshments"; and it happened accordingly.

This was on the occasion of the ship's first visit. Her second took place soon after; when, as already stated, she merely put in for a day or two: a longer stay being impossible "because her provisions being nearly out required her immediate return to Pensacola," as Captain Babbit informed me in my office. This day or two, (owing to the necessity of protecting American citizens) lasted from the 5th of January to the 17th of February, (so says the register at the Captain of the Ports office, which I have consulted,) when, the visit having been crowned by the affair of Mr. Southall, the Boston finally got away, to the great relief of a portion, at least, of the "American citizens!"

On the 2nd inst, she again put in, for one or two days, on her return home from the Station. She is still here; and the following are among the particulars, connected with her present visit, which have reached me.

On tuesday morning, April 2nd, an American Sloop of war was off. Captn Edmonds of the Brig Caroline of Portland, about to sail, on coming to the Consulate for the order for his Roll, enquired of Mr Smith (the Vice Consul) what

Sloop

Sloop of War it is that's off, and received for answer that he did not know, but supposed it might be the Ontario. Captain C. expressed his satisfaction at its not being the Boston, and his hope that she is off the station by this time! What do you want her off the Station for? asked Mr Smith. "Oh!" said Captain C. (and here expressing the opinion that she was not exactly creditable to the flag, he con-cluded with saying) "too many fiddlers on board — they crook their elbows too often."

On thursday, April the 4th, I sent my Clerk Mr. Crusoe to the Boston with my answer to a letter just received from Captain Babbit. On his return, after informing me that he had delivered it to the officer-of-the-deck, he added: "Mr Trist, you will be sur-prized at what I have just heard, I scarcely know what to make of it myself." "Well, what is it?" — "Why, Sir, the guadañero (boatman) who took me on-board — a man who knows me very well, for I always call him when I want a boat — said to me as we were going along, 'Hombre! Digame v. ¿Esta casado el Comandante de esa Corbeta?' (Tell me, is the Com-mander of that Corvette a married man?) I an-swered that I believed he was, but did not know; and enquired why he asked? 'Oh!' said he, 'because last night a boatful of women went off to her, and came back this morning.' I asked what women — and he said, 'O! esas americanas, conosco dos de

ellas

ellas, viven en la Calle Obra-pia? (Oh! Those American women, I know two of them, they live in Obra-pia Street.)" — (Obra-pia is the street most occupied by "Americanas" who form a large, and the favorite, portion of the prostitutes.)

Such is the harbor-boatman talk about this representative of the American Navy! In regard to any other man-of-war of any nation, that ever visited the harbor I should at once pro-nounce it too gross an absurdity for a moments consideration. But of such a character is the impression which the whole tenor of things has, from hour to hour, been sinking more and more deep into my mind in regard to this vessel, that, however great the amazement that might fill it upon first hearing a statement, and however great the incredulity naturally attaching thereto when considered in itself, — yet, with reference to her, utter perplexity arises as to the boundary between the credible and the incredible.

On monday and tuesday nights of the present week, there were grand masquerades at the Theatre Tacon, as part of the festivities in honor of the landing of the Great Seal (representing the Royal Presence) of the Audiencia recently establish-ed here.

On Wednesday, at breakfast, Mr Crusoe, giving me an account of the scenes at the public

Ent.

places

places he had visited, told me, among the rest, of the ex-
-hibition of a number of officers and sailors of the
Boston at the masquerade on monday night, which
"if he had been an officer in the American Navy
would have made him take himself off in very
quick time!"

The Lieutenant (Mr Worth) whom he had
by my order accompanied to the Captain General's,
(on the last arrival of the ship, to propose exchanging
salutes) was there, walking up and down, arm in
arm with another, his legs crossing at every step; and
this was the general condition of our representation.
One of the sailors with a bottle of whiskey, and his
companion with a wine glass slung round his
neck: at the frequent use of which implements,
the American Officers appeared exceedingly amused,
whilst to all others the whole proceeding proved a
Source of undissembled amazement. Mr. Crusoe
(who was not masked) had taken a seat on one
of the benches, when one of the party, with an
epaulette on, threw himself at his side, and
in his stretchings got his elbow in Mr C's
face. The latter on putting up his hand to shove
the elbow away, used, in order to avoid being
fastened upon as one who could speak English,
the ordinary spanish formula for such occasions,
"V? me hace el favor?" (Have the kindness, Sir,?)

Whereupon

Whereupon the Lieut letting drop his arms and head, expectorated "God d— n it!" — Presently two others came up, and leaning over him, (their difficulty in doing which without falling, soon arrested a crowd round the groupe,) coaxed him to "rouse yourself"; and having got him on his feet, succeeded in making their way out of the theatre. — It was on this occasion that one of the Spaniards, a stranger to Mr. C., observed to him, 'Mira V. que porqueria!" (What beastliness!) and this was the universal sentiment. Several who knew him and his connection with the Consulate, made remarks upon the composition and bearing of the party (some with their swords on — while there is an absolute prohibition against carrying any sort of weapon, or so much as a walking cane even, into a masquerade — and attended by a number of common Sailors distributed at various points in the theatre,) as manifestly indicative of its having been formed in the design to get up a disturbance. And they added, that if there were the least disposition to harm them, those entertaining it would only have to wait till one or two o'clock in the morning, to indulge it with perfect safety: for by that hour they would be too drunk to raise their heads.

(Under the circumstances produced by the affair

affair of the Purser, and the extreme irritation naturally caused by his account of it, in the minds of his ship-mates, the allowing such a party of young officers and sailors — even suppos-ing every one to have been a man who never touched anything stronger than water — to visit the very scene of what their blood were boiling at as a "national insult," "unprovoked outrage", &c &c, is, of itself, an indication which can scarcely fail to arrest attention, of the state in which the com-mander must have been.

At dawn, upon the breaking up of the mas-querade, Mr. Crusoe found one of the sailors (american Navy-shirt, with spread Eagle and stars) lying on the pavement of the patio of the front part of the theatre. Shaking him until he succeeded in arousing him, Mr. C. said, "come Jack, its time for you to go down to your boat, — your shipmates have all left you!" "No, I be God d—d if they have, — We are strong enough!" was the answer. After fully awaking him, Mr. C. saw him fairly on his way in the proper direction (directly the reverse of his own) and left him.

Some days before this, that is to say, the second, third or fourth day after the Boston's last com-ing in, on my way home from the Consulate, about four o'clock in the afternoon, in the Calle Obispo, one of the most frequented thoroughfares, I met, at the distance of two or three squares only from the Govern-

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=ment House, two young American Navy officers, one of whom, with an epaulette, was reeling and stagger=ing, so that he would have been prostrate but for the support of the other.

Thus have I given a sketch — or rather a few characteristic dots, laid down here and there to convey a general idea of the outline — of the National picture — the United States Ship Boston — at Havana.

This is the reality. I will now intro=duce another sketch, drawn by a different hand, which will serve as a specimen of another disease of our Navy — not so deadly to be sure, as that which I have denominated its gangrene — but which nevertheless is strongly entitled to attention from every American who takes any interest in this Arm of our service, or even who, without caring a fig for it, does, on any account whatever — Naval or National — Moral or Religious, — attach any importance to the distinction between Mouth-service and Real-service, — between Truth and Falsehood, — between honest statements spontaneously arising from real occurrences, and pitiable inventions suggested by dread of the truth's breaking out and the con=scious necessity of some fabrication to divert public attention with.

From the state of the public Press

Ed.

Press at the present day, in regard particularly to the earnest welcome it every where gives to, or ra-ther the canine avidity with which it snatches up, anything and every thing in the shape of "news," what obstacle is there in the way of any officer holding a public trust abroad, or whose field of duty is at all beyond the immediate inspection of his countrymen, practising deceit and imposture upon them in regard to his "services," to the precise length which his fund of baseness may permit him to go? There is evidently none. No appetite for newspaper puffery can be so voracious, but it may count with certainty upon having its maw filled. If other fingers are wanting, there are its own, which can perform the office of cramming as effectually as any.

It is obvious, therefore, that unless some restraint be interposed by the Government, if there be in its service any men who are naturally base, or who have become debased through the force of cir-cumstances, these will be sure, and in exact pro-portion to both their general baseness and the spe-cial necessity that may exist on any particular occasion for concealing the reality, to have their exploits the most conspicuously paraded in our newspapers. One paper gives the "article" a start; and away it goes, all over the country: the few who know that it is all falsehood and imposture laugh

laugh in their sleeve, or at most laugh aloud and explain it to a friend or two with the in-=junction not to commit them. — The only re-=straint of which the indulgence of such a disposition, and the rapid spread of this loath-=some disease in our Navy, would seem to be susceptible consists in holding the officer who gives 'news' of his doings, or has it given by others, to the strictest accountability for its exact and literal conformity with the truth; — in practically establishing, that one of the most serious offences that an officer can be guilty of, is this sort of imposture. Unless such a rule as this be estab-=lished, and examples be given of the determination to make it efficacious, it is easy to foretel what our Navy must come to in this respect. The meritorious officers of which it is full will be presented with the alternative of engaging either in the debasing contest for newspaper puffery — under a disadvantage, too, exactly proportionate to their own highmindedness and respect for truth — or in the invidious task of exposing falsehood, or of submitting in silence to the robbery of the profes-=sional reputation which they are conscious of meriting, by means of exaggerations and fabrications palmed off upon the nation by men whom they know to be a disgrace to the flag!

A month or more ago a gentleman

from

from Louisiana who has had some opportunities of seeing what is the life I lead, asked me if I had seen in the New Orleans Bee, the account of the doings of Captn Babbit while here, for which great credit was given him. In a manner evincing the indifference I personally felt, I answered that I had not; and, upon his rejoin-ing either that he regretted not having procured the paper for me, or that he would try to do so, I again replied in the same way. Sensible that this did not chime with his tone of mind on the subject, I added, "all in good time, I will call the attention of Government to the subject": whereat, evidently relieved, he observed "well, I think you ought."

Since the last return of the Boston, An American merchant of the highest standing, referring probably to the same "Bee," asked me if I had seen "the account in a New Orleans paper;" and, upon my answering in the negative, replied, "Well, it was worth reading, and I intended putting it by to send you. There was one thing in it which amused me not a little,— a flourish about marked attentions and so forth from the Prince. Taken in connection with what we saw at the Ball," (here he referred to an incident which had been the subject of conversation between us, connected with the course and bearing of the officers of the

the Boston who were present, and in which, al-
though not approving, I had defended it against
the disapprobation which he passed upon it,) "this
struck me as particularly good."

Between the two periods when these conversations occurred, Mr Smith (my Vice Consul) received from Mr Tolmé, the British Consul, — (between whom and himself — both being fond of a laugh — there is a pretty frequent interchange of pleasantry and raillery,) a slip cut from an American newspaper. Mr Smith, although aware that I was very far from viewing the subject with an eye of merriment — while too, knowing how many things occur to annoy me, he avoids as far as possible adding to their number, — yet deemed it right that I should see this "naval" article. It was accordingly put into my hands, and forms Enclosure No 1.

No 1.

Comparing the picture thus paraded before the national eye, with the truth of the case, an idea is formed of the boldness which the spirit of Imposture has acquired in this field. — Such a reality exhibited here — within gun-shot, almost, of the American shore, — under the very nose of our Government, — under the eyes of thousands of spec-
tators of all nations, embracing citizens of the United States without number, — under the eyes of whole squadrons of foreign ships of

Ex.

war

war, - and then such a picture held up for the public admiration! And this, not in some remote corner, but at the commercial emporium of the mis-=sissippi world, but three days sail from, and, in daily communication with, the large city where the truth of the matter constituted the notorious scandal of the day, obtruding itself upon every eye, and extorting exclamations from every tongue.

To estimate this case at its full value as an illustration of the influences which are at work upon the character of our Navy, and also of the efficacy of the causes which exist to keep the Government in ignorance of their fruits, it is necessary to know, on the one hand, that it has not always been thus with Captn. Babbit; on the other, that neither is it a thing of very recent developement. This will be shewn by the two following circum-=stances. Before stating them, however, I will re-=mark that if called on by my fellow-citizens to give them in a single sentence an idea of what our Navy is coming to, and must come to, unless the gangrene be arrested, it should consist of a definition of the rank of "commander"; (to a certain extent, but a comparatively limited and transient one, applicable also to the post of Lieuten-=ant Commandant,") viz: That point in the line

line of promotion, where the corner is turned which places the officer out of sight, and beyond all necessity of doing aught during the twenty-four hours, except sleep, drink and eat: a condition wherein, if he employ the intervals in any other occupation than that of emptying glasses of grog, he will be saved therefrom, not by anything in the circumstances in which his Government places him, but, on the contrary, solely by the force of his own character, struggling against a combination of circumstances the most adverse to perseverance in the virtue of sobriety that can well be imagined. And these last words I would explain by recalling the writing master's copy, 'Idleness is the Mother of Vice'; and saying that if this be true on shore, where a man cannot be so circumstanced as to be totally destitute of objects to awaken and occupy his mind, or to excite his will to muscular action of some sort; what must be the intensity of its truth in regard to a man placed in the 'Solitary grandeur' of the poop-cabin of a man-of-war,- where every thing discourages from exertion and favors the approaches of sloth,- a man thus placed, and of whom no exertion whatever of mind or body is required?- And this is the condition of every man who has once turned the 'commander' corner. I do not know what the regulations

or

or theory may require of him, nor is it worth while to enquire: for I do not fear to affirm, that, as to any requirement, endued with practical force, there is none; not one which renders it necessary that he shall ever move hand or foot, or ever exercise his mind any further than to utter "make it so, Sir" or "very good, Sir," when the officer of the deck reports "twelve o'clock" or "sun set," or "a sail on the lee-bow." And it is literally true, that not only might a Commander thus pass every day, and go to bed dead drunk every night, during a three years cruise; but all this might happen; and the Government and People not only remain in ignorance of it, but be led to believe that he had been during the whole period an officer of uncommon vigilance and enterprize. If under such circumstances, a man preserves his sobriety, instead of "turning in" dead drunk every night, it deserves to be considered an active virtue, evincing uncommon force of character.

Of the circumstances to which I had reference one is connected with Mr. George Knight, the founder and builder of the great american house of this city - by far the greatest commercial establishment which it contains - one which, in its magnitude, organization and influences is a little <u>imperium in imperio</u>. Mr. Knight, although not ostentatious nor fond of revelry, but, on the contrary, of the quiet order of men, lives like a

prince

prince better, I have no doubt, than any of the nabob grandees of the country – and freely indulges his disposition by showing the usual hospitalities to every one, not of a decidedly objectionable character, who comes above his horison. Several times, within two or three years past, he has enquired of me concerning the whereabouts, of particular officers of our Navy, with whom he had formed acquaintance at various places, and should like to have the opportunity of renewing it here by showing them attentions. Of these the one most frequently and particularly spoken of, was Lieut Babbit, an old travelling acquaintance whom he spoke of with great cordiality — wishing that he might come upon this station. This wish has been fulfilled, but no intercourse between them has followed.

The other circumstance was mentioned to me at the Consulate, two or three days ago by my Vice-Consul, upon some new "Boston" affair coming to our ears at the office. The old gentleman, shaking his head over the work in which he was engaged, observed to me "the first I heard of this was last summer, from Mr. — who, in speaking of 'Babbit', remarked that he was so fine a fellow that 'they forgave him every thing', or 'there was nothing from him which they would not overlook', or some such words." The person here referred

Ed.

to

to is a gentleman; an old ship-mate of Captn Babbit. Circumstances create the presumption that he had not seen him for several years. So that the inebriety (which Mr Smith understood from what followed between him and Mr ___ to be what he referred to) cannot be of recent formation.

From the foregoing detail, the Government cannot, I am convinced, fail to be deeply impressed with the necessity of making the case of this vessel the subject of scrutiny the most searching and unflinching. As a public officer, I might claim it as an act of justice; and every consideration — those bearing upon the post I hold, as well as those personal to myself, would dictate that the claim should be urged. Easy as it would be to demonstrate upon its very face, without a single glance to the right or the left or beyond it, the utter futility of every ground upon which Captn Babbit has proceeded, and the utter infamity as well as indecency of every step he has taken; yet, even in regard to the bearing of the business upon myself personally, justice would require that some conception should be formed of its utter wantonness and wantingness in even a decent shade of a pretext; and this conception could not be formed without some knowledge of the scrupulous condition and motives of the actors.

But, weighty as these considerations

are

are when considered in themselves, they become as a feather to mount Atlas, when the others are brought into view. Referring to these alone, therefore, — waiving my just claims as an officer and as an individual, — I beg leave, as a citizen, to call upon the Government to <u>save the Navy from perdition</u>, — to seize the impressive occasion presented by the return of this ship to her native shore, for a scrutiny in which there shall be no faltering; or, at least in which this essential shall be provided for to the utmost extent allowed by established usages, by safeguards calculated to secure the cause of Truth and of the Country against the countless influences by which it cannot fail to be borne down upon, not less from a misguided esprit-de-corps than from the conscience-terrors of the particular individuals, against whom the natural honesty of that sentiment would ever suffice for its direction, could it but be induced to wait for light before it swells itself into a torrent.

With a view to such a scrutiny, — one which shall not be confined to the poop-cabin, but shall penetrate into every crevice to which the influences from that cabin have penetrated, rendering <u>the Ship</u> a disgrace to our country-, and an eye-sore to every man whose bosom

had

had a throb to give to her, — with a view to such a scrutiny, I will apply the acquaintance which has been forced upon me with the particular character of the case, to the drawing up of the heads of enquiry which may best promise to eviscerate the truth; and these shall be forwarded at the earliest moment possible.

I am, Sir, very respectfully
Your Obed.t Serv.t

A. P. Hill.

Postscript April 15. 1839. It has proved impossible to bring the above to its conclusion until to-night; and the interval since its date has been replete with incidents of the same general nature, yet characterized also by specific features. Of some of these varieties I will give specimens: throwing them into the shape of a diary.

April 12.th A sailor comes to the office half drunk. Has been discharged from the Boston, wants to get a passage to New York soon — never so glad in his life as to get clear of that ship. I ask where his money is, and advise him to give it to Mr Smith (the Vice Consul, who is sitting by) to keep for him until he gets on board the vessel that is to take him home: otherwise he will not get away until it is all gone, and probably never: for the fever will

catch

catch him and he will never see home again. —
'How much of your money have you left?' —
"Thirty-one dollars. But I've got a note too. Here-
upon he fumbles in his pockets; and finally
under his shirt-bosom, whence he draws two or
three tattered kerchiefs, from which drop several
pieces of paper. — One of these he hands to me,
and it proves to be a due bill for $151 from the Purser
of the Boston, to be paid in New York. "Well, take my
advice, and leave this in the hands of Mr Smith, with
your discharge, and your money too, if you can make
up your mind to part with it." At the money-proposal
he shakes his head, but signifies assent to the rest.
'Are you the Consul, Sir?" (I was in a summer
jacket) "Yes." — "Well, Sir, as I was saying, never
so glad in all my life as to get clear of that ship. I
want to have a talk with you Sir I'll come in the
evening," — looking as if uncertain whether he ought
to say what he had to say before Mr Smith, — "Very
well, we'll put it off till evening," said I, glad to
escape his "yarn". Then, his circumspection giving
way, out came, "He does not know what he's about,
Sir. The Captain, Sir; One half his time, he does not
know what he's about. I'll tell it at Washington!"
Here a pause, and an expression of countenance and a
manner indicating a contest between his desire
to out with it, and a feeling that habitual drunken-
-ness in his commander, was a thing which ought

Ed.

not

not to be made known to the world by one of his crew. "But, Sir, 'tis the truth: He does not know what he's about. The morning we came in here, Sir, he had one flogged. And what it was for, neither he nor any body else could tell." &c.

Same day. A youth of eighteen to twenty, comes into the office, to deliver, in a very hurried manner, a message. "Captn Babbit sends his respects, Sir, and to let you know that he sails positively to-morrow at day-break. (strong emphasis) If you have any communications - any official communications - he will be happy to take charge of them."

Who this messenger was, I do not know. He had on a blue round-about, with small navy buttons. But the slovenliness and whole character of his appearance would, except for this circumstance, have announced him as a hard drinking 'prentice to an oyster-boat.

As soon as his back was turned, "Well", said Mr Smith one of the best tempered, most patient and most discreet of men "I do hope it won't be a miss this time." (This had reference to the number of times, during every sojourn of hers, that her departure had been positively to take place "tomorrow at day-break.") "I'm sick of her very name; and of this endless settling of accounts no less than other things."

April

April 13th. At early dawn, on opening the door to my balcony, felt a delightful breeze from the east; and about an hour after, the sun being a few minutes high, as I stood facing that quarter, I observed to Mr Crusoe who had not yet come out of his chamber, "A beautiful breeze, the Boston has to take her out at last." His reply was "Mr Trist, if you will take a wager from me, I will lay you one that she does not sail to-day."

These words were verified, and doubly so: for she did not sail until to-day (the 15th.) Shortly after the moment when my remark was made (by which time, however, had she begun her movements "at day-break" — many a vessel is fairly out at dawn — she would have been several miles from the Morro,) the wind shifted, and she became wind-bound. And this lasted, I believe, until this morning.

April 14th. I receive this evening through Mr Crusoe from one of our ship masters, a friendly intimation of an affidavit which "the officers of the Boston" have been proposing to obtain — and probably have obtained — from the mate of one of these 'Sea-letter' vessels, who having gone, or been taken, on board the Boston to complain of me, told them, that, upon his telling me he was a protected man, I had said 'Damn your protection

protection." This excited a vivid interest on board the Boston, and he was immediately asked if he was willing to swear to it.

(It so happens that this falsehood can be specifically disproved by two witnesses, the Vice Consul and the man's Captain; and, not improbably by a third, Mr. Crusoe, who was sitting a few feet from the spot. — This mate, (from drunkenness, as the owner, and, I believe, the master also of the vessel have several times told me,) had given a good deal of trouble. In regard to the "Sea Letter" vessels, (as these Bill-of-sale vessels call themselves,) deeming the case a hard one for a man to be unexpectedly caught in, (in a few instances, too, not unexpectedly alone, but without any evil intent on his part,) I have, to spare the parties expense, and as a corollary from my principle of action, that the vessel is not American, — abstained from exacting the three-months wages extra. Indeed, in strictness of law, I would have nothing at all to do with the crews. But as the master or owner puts himself under my guidance in this regard, (which, indeed the regulations of this place create a necessity for his doing) I require of him to comply with the dictate of equity under the novel circumstances of the case, by procuring either a

passage.

passage home for the men, or a berth on board of some other American vessel.

The mate in question would, when sober, seem to be sensible of the fairness of this. But then he would get to drinking, become impracticable, and refuse to take any of the steps proposed by the owner and the master for his getting away. At length I told him in the master's presence, that, in one or the other of these ways, he must be disposed of at once; for he had no right to remain here. "Why so, Sir!" he exclaimed, turning very red and angry. "Because the regulations of the place forbid it. They do not allow that any mariner shall become separated from his vessel here, except by coming into the hands of his Consul; and it is expected of the Consul that he will see that the man ships as soon as possible." "But, Sir, I have a protection." "Your protection has nothing to do with the question. This depends upon the regulations of this place, and if you had a hundred protections it would be all the same.")

April 15th. Mr Crusoe sent on board of an American barque which is to sail this afternoon. On his return he asks if I had heard

Ed.

of

of any officers of the Boston getting into jail the other night. "No: why?" – "Why, Sir, the Captain of the ——— asked me why they had been put in, and I told him it was the first I had heard of it. He came ashore with me; and as we were coming along, he said 'Well: the Boston's off at last! What were her officers put in jail for the other night?' And upon my saying I had not heard of it, he added, 'Drunk, I suppose.'"—

A.P.S.

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End.

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N.P.

Consulate at Havana, No. 71. — Enclosure No. 1.

NAVAL.—The sloop of war Boston, Captain Babbit, arrived at Pensacola on the 22d ult., after a cruize of one hundred and forty nine days among the keys and along the coasts of Florida, and Cuba, having passed inside the Florida reefs from Sombrero Key to the Dry Tortugas, a passage never before performed by a sloop of war. The Pensacola Gazette states that the Boston was detained at Havana much longer than her required time, in consequence of the active part taken by her commander, in relation to the difficulties arising between the masters of some American vessels and the authorities of Havana, involving questions of much import to their respective governments. Before leaving Havana an address from the American citizens resident there, and masters of vessels in port, at the time, was presented to Capt. Babbit, expressive of their thanks for the able and zealous manner in which he had espoused their cause, and also their gratitude for the benefit which had accrued to them from the protection afforded by his presence, and begging a continuance of it, should it comport with his duty, by remaining at Havana. The day previous to the sailing of the Boston, her commander and officers partook of a complimentary dinner given to them on board the ship Orleans of Boston, Capt. Bradbury, by the merchants and shipmasters in port.

We are glad to see, in the Gazette, a positive contradiction of the story which reached us some weeks ago by way of New Orleans, that a deliberate slight or insult had been given to the officers of the Boston, while at Havana, by those of a British sloop of war lying there. It is asserted that the most friendly relations and intercourse prevailed at all times among all the officers of the various national vessels in that port.

Mr. S. P. Sturgis, of Boston, late from China, via Mexico, (who came from Vera Cruz in H. M. ship Cornwallis) bearer of despatches from the Mexican Government to that of the United States, together with Mr. Fitzwilliam Worcester, also of Boston, came passengers in the Boston from Havana.

J. Stanch

Sept. 28.

2- 26 apris
- Ringgold

No 72.

Consulate of the United States of America
Havana, April 17. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

A variety of causes having conspired to retard the numerous communications for which I have for some months past been preparing, as fast as possible, the materials, it seems proper that I should apprise you of the fact and specify some of the particulars embraced in it.

One class of these consists of the circumstances naturally attending a determination very suddenly taken to send my family to France; for which they embarked on the 3rd ult; less than a fortnight after the idea had been first entertained.

Another, of those attending the breaking up of my domestic establishment, finding another residence and effecting a removal.

One, which preceded the first mentioned and had been more influential than all the rest, arose from an occurrence on Ash wednesday, the 13th of February. — The house then occupied by me just sufficed for the accommodation of my family, leaving scarcely a spare foot of space any

where

where: the only up-stairs apartment it contained being par-
titioned into two, one of which was appropriated to my clerk,
W. Crutoe, the other to my own use for keeping all my person-
al effects, clothes, books, papers, &c, and for doing my writing
in. Owing to a daily encreasing defectiveness of the flat
roof, at its line of junction with the walls, the latter were
soaked at every rain; which rendered the room so damp as
to become a topic of frequent remonstrance from my phy-
sician, and from me to my landlord. After allowing the evil
to grow for eight months (during which I was prevented from
seeking another house by the hopelessness almost of finding
one, in addition to my ever urgent occupations and the hope
that my landlord would act,) he, at length, on the 10th or
11th of February sent materials for the repair; and, on the
morning of the 13th, was on the spot with his workmen. The
day threatened to be so bad that the idea did not once enter
my head that he would so much as think of going to
work unless the appearances should become altogether
reversed. I left my house for my office in one deluge of
rain; and at nearly 10 o'clock at night, returned in an-
other, which had been preceded by eight or ten during the
interval. When I reached home, Mrs Tirl requested me
to go up and look at the state of my room. Without her
suspecting it, the workmen, relying upon some clearing-up
symptoms, had gone to work and broken up the roof; and
when another of the deluges came, they gave up and went
away. By mere accident, wanting something that

was

was in my room, she had sent a servant to it between 1 & 2 O'clock; and the woman had come running down stairs, crying out that it was raining in there just as in the street. Every exertion was instantly made, to get out whatever could be moved: the greater part however could only be covered with awnings (which soon became soaked) and left to its fate. My papers were already soaked as if they had been scattered in the street; and the ladies spent the rest of the day in drying them as well as they could by ironing them!

The confusion and crowded state into which the whole house was thrown may be imagined. Books, furniture, clothes, heaped up in every direction, — rendering it hopeless to find any particular thing. And, as fortune would have it, this weather lasted about a week: precluding any attempt at getting anything out of the house to dry it!

The disorder thus originating — succeeded by hurried arrangements for the departure of my family, and by all that ensued, with a removal to cap the climax — it has as yet been in my power but very partially to rectify. Papers that, before, I could lay my hand upon any one of without the loss of a second, have become shuffled together, their parts separated and scattered about in different drawers, trunks &c. The analysis of the Legislation of Congress upon "vessels of the United States", which I had been devoting every spare half hour to, & had made considerable progress in, (it would have been finished & sent before now) has disappeared. But one of the many leaves of notes I had made has come up; and I fear

that

that I shall have to begin the work anew.

All this has, however, been attended with one advantage. For a month before the event, my physician, supported by the entreaties of my family, had been insisting every day almost, upon my taking a jaunt by sea or land, any way & any where, so I but got away from Havana. Nor, although I could not bring myself to yield, was I insensible that it was very desirable that I should. My brain gave me daily notice that I was tasking it overmuch, and that it was getting strained, not by severity of effort, but by the constancy of exertion, to which I allowed circumstances to oblige it. A short period of relaxation, it evidently required; and this, I have been forced by the circumstances above related to allow it. At least, it has in a great degree been diverted from subjects requiring thought — although not intense thought — to the common-place details of life; and the change has, to a considerable extent, been attended with the good effects that would have resulted from an excursion. My head feels again fresh & clear, & is free from the vertigo which is its visiting fiend; and I hope to disburthen my tables of large piles of trash (in creating which it seems to be my destiny to feel that my life is thrown away) before the month is out.

I am, Sir, very respectfully,

Yr Obed.t

N. P. Willis.

2 14 May
Dickens

John A. Morrill to the President.

To the President of the United States of America

Captain Abraham Wendell who is an American citizen has related to me certain difficulties he had with the American Consul while at Havana within the last year

You will allow me the honor of introducing him to the president for the purpose of stating the nature of his alluded wrongs in person. in order that he may obtain that redress he thinks he is justly entitled to. He is a man for whom I have great respect having been acquainted with him professionally a considerable time

I am Sir Your most obedient Servant with the greatest respect

John A Morrill

New York April 30th 1839

To

The President of the United States
of America

Washington
D.C.

2d - 2 May

Copy sent to Mr Trist

Navy Department
2d May 1839

Sir,

I have the honor to return herewith, the letter of Mr. Trist, U.S. Consul at Havana, politely sent by you to this Department for perusal. — The allegations contained in this communication of the Consul are, in the opinion of the Department, of such importance to the character of the navy, as to require a strict and severe investigation. —

For the purpose of affording sufficient groundwork for this, the Department would respectfully request of the Secretary of State to call on the Consul at Havana to furnish, as early as possible, the Heads of enquiry to which he alludes, accompanied by the names of those persons who are able to substantiate the charges made or to be made in such a manner as will bring on the heads of the delinquents their merited punishment. —

Under present circumstances such a course seems equally due to the accused and the accuser; the Navy and the Nation.

I have the honor to be
very respectfully
Your obt. Servt.
W Pardee
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Hon. John Forsyth
Secretary of State.

? 13 May

Consulate No. 73.

Consulate of the United States of America
Havana, May 4th 1839.

Hon: John Forsyth
Secretary of State.

Sir,

On yesterday, three seamen calling themselves american appeared at this office, and stated that they had been brought by a coaster from Cabañas, (a fine port, not open to foreign commerce, to leward of this, on the same side of the island) where they had been left by the Brig Gabriel, in consequence of their re=fusal to proceed on the voyage to the coast of Africa. This vessel was now, they said, under the American flag, called the Two-Friends of New Orleans, Durkee, mas=ter; and the owner (Havana owner) had found them a passage to this place, and come up in the same coaster. They had put into Cabañas for water!

The Gabriel is a famous Slaver. She has recently been under the Portuguese flag; but last sailed from this port, a few weeks since, under the Spanish, for New Orleans. There, she has, no doubt, obtained

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the letter of naturalization, my refusal to recognise the validity of which in other cases has prevented her coming to this port. It sufficed, however, to enable her to kidnap American sailors in an American port, for a business which puts their necks in the halter. — There were, they say, three flags and three captains on board. One for the American flag, a second for the Portuguese, and a third for the Spanish. The last, however, had the direction of every thing.

I am, Sir, very respectfully

Your Obed.t Serv.t

A. P. Hill.

2. 13 May

Ningpoh No. 74.

Extracts

Consulate of the United States of America
Havana, May 4th. 1839.

Hon: John Forsyth
Secretary of State.
Sir,

Referring to my No. 73 of this date, I enclose a copy of a document put into my hands by Captain Fullerton J. Kneass of Philadelphia, a few days before his decease in this city, which happened on the 22nd. of March last.

Enclosure No. 1.

The proceedings shewn by this document to have occurred, are a sample of the course which I have, for some time past, been satisfied that it was the design of the British Government to pursue. In addition thereto, I will state, that I have been verbally informed of the actual capture by a British cruiser on the coast of Africa of an American vessel: as perfectly American as a good Register and an American captain could render her. This captain being threatened by his captor with hanging, confessed that the vessel

was

was not American property, but Spanish. She was taken to Sierra Leone, where the Judges refused to condemn her. The captor, however, took it upon himself to do so; and proceeded to break her up, in the mode agreed upon between the British and Spanish governments. Whatever may have been the real character of the vessel, the facts, as stated to me, were such that no British offi[illegible] had any more right to capture the vessel, or to set foot on board of her even, than he had to pursue the same course towards one of New York and Liverpool packets.

The case of Captn Kneass is one of a number that have occurred and will continue to occur until put a stop to by new legislation. The Schooner John H. Holland having been sold here (doubtless to Spaniards, although nominally to an American) he went out in her to act as American master, and exhibit her American Document (Bill of Sale embodying a copy of the Register) and flag, until the moment should come for taking the Slaves on board: at which time he was to separate from her, taking the American document with him. Cruising about the coast, watching this opportunity, he fell sick; and his condition at

the

the moment of her departure was such that as there was no immediate or certain prospect of another opportunity for quitting the coast, his only chance for life was to do so in her. — He came in her, therefore, <u>as a passenger</u>. A fact which, I told him, however true it might be, would be viewed as a mere pretence; and would not, unless very clearly proved, have sufficed to save his neck from the halter, had he been taken and brought to trial.

So strong are the temptations which the profits of this traffic enable those engaged in it to hold out to any one whose services they want, that, notwithstanding the severe experience afforded by his first adventure, (he returned from it with the true African pumpkin-complexion and glassy eye) he had just engaged for a second, when death arrested him before the vessel could be got ready. This having removed him beyond the reach of the law, I experience no hesitation in mentioning circumstances which being of a nature to subject him to suspicions that might get him into difficulty, while they became known to me only under the seal of confidence which is here attached to every thing connected with this traffic, I should not, during his life, have felt it right to volunteer a disclosure of them. I do so now, because they are necessary to <u>complete</u> this

specimen

specimen of "the busineſs."

I enclose also the American Docu-
ment carried by Captain Kneass from this
port, in the state in which he delivered it up on
his return: that is to say, cut in two diagonally;
which he stated that he had done upon separ-
ating himself from the vessel on the coast of
Africa, prior to the taking in of the slaves.
I know, however, that this was not done
until after the vessel had safely reached this
island. This document is, you will perceive, a
Bill of sale from Ignacio Badia Attorney of
John Wood, to Francisco Alvarez, Attorney of
John. F. Ohl of Philadelphia.

Enclosure No 2.

I am, Sir, very respectfully
Your Obed.t Serv.t

J. Phill.

Copy

Extract from the Log Book of the Schooner "John H Holland of Philadelphia on the coast of Africa Decr 17. 1838. at 11 A.M. weigh'd anchor at Anjou bound to Quitta at 1.30 P.M. saw a vessel to leeward standing in shore wind S.W. at 2.30 P.M. saw another vessel to windward off Cape St Paul bearing down for us under all possible sail we standing on and off shore taking advantage of the changes of wind & current the vessel to leeward which was a Schooner kept away before the wind and made all possible sail. At 5.30 P.M. the vessel to windward which also proved to be a Schooner fired a gun I hoisted my colours still standing on shore under all sail shortly after fired again I immediately took in my fore sail and hove too head to the S.S.E. the Schooner still under all sail running down for us. at 6.15 P.M. saw a boat coming toward us under sail when within Pistol shot of us fired a musket or Pistol when within hailing distance ordered me to keep my vessel away the which I refused to do telling them I was waiting for them at 6.35 P.M. the Boat came alongside with six men and an officer they Jump'd on board each armed with cutlass & Pistol the officer gave command to one of his men to take the helm and

keep

keep away after the man of war as they said the Schooner was to chase the Schooner that was to leeward of us. I remonstrated with him told him my vessel was american vessel that he was doing wrong to come on and take forcible possession of an American vessel without asking any questions. I also remarked that it was an act of Piracy - he said he was bound to obey his orders - He examined the papers, found all correct made an apology and left us. I having lost 10 hours time by the operation saw no colours hoisted on board the man of war. — Lucitta Dec. 18. at 3 P.M. saw a vessel to leeward beating up. at 7.30 P.M. came within hailing distance hail'd us ask'd if I had his boat after answering no ask'd the name of the vessel and if she was an English vessel answered no I said she was American I then ask'd the name of his vessel the Viper, said he would come on board at 8 P.M. the boat came alongside with an officer, came on board ask'd for his boat, told him she left the night before for the Schooner he said he would take possession of my vessel untill he found his boat I told to recollect she was an American vessel he ask'd for the Papers show'd them to him after asking several questions of

no

no importance left us. - I remarked before he left us that I would make a report to the U. S. Government of the transaction, said he did not care.

(signed)

Fullerton. J. Kneass

Consulate of the U. S. of America
Havana. } A true copy, verbatim, literatim et punctuatim, compared with the original, deposited with me by the late Capt. Kneass. — Compared this 4th day of May 1839

P. J. Phil.

CONSULATE OF THE U.S. OF AMERICA HAVANA

A. & H. Wilson, Printers, Wilmington, Del.

BILL OF SALE FOR A VESSEL.

KNOW ALL MEN BY THESE PRESENTS, That I Ygnacio Badia in virtue of a Power of Attorney from John Wood sole owner of the Schooner "John. H. Holland" of Key West. copy of which is hereunto annexed,

for and in consideration of the sum of Three thousand dollars to me in hand paid at the time of the perfection of these presents, by Francisco Alvarez Attorney of John . F. Ohl of Philadelphia the receipt whereof is hereby acknowledged, have granted, bargained, sold, assigned, transferred, and set over, and by these presents do grant, bargain, sell, assign, transfer, and set over unto the said Francisco Alvarez for John. F. Ohl the said Schooner John. H. Holland.

together with all her Masts, Yards, Sails, Rigging, Anchors, Cables, Boats, Tackle, Apparel and Appurtenances, as she now lays in the harbour of Havana and is more particularly described in a Certificate of Registry granted her at the Port of Key West in the following words:

No. 15 Fifteen In pursuance of an Act of the Congress of the United States of America, entitled "An Act concerning the registering and recording of Ships or Vessels" John Wood Mariner

having taken — or — subscribed the Oath — required by the said Act, and having sworn — that he is the true and only

Owner of the Ship or Vessel called the John. H. Holland of Key West whereof he is at present Master, and is a citizen of the United States, as he has sworn and that the said Ship or Vessel was built at Baltimore in the state of Maryland in the year 1839 as also appears by her Enrolment No 5 dated April 12th 1837. now surrendered in exchange for this Register on transfer of property &c.

SEAL OF THE TREASURY OF THE UNITED STATES.

sig^d J. J. Smith Register

and said Enrolment having certified that the said Ship or Vessel has one Deck and two Masts and that her Length is sixty seven feet her Breadth Eighteen feet seven inches her Depth six feet nine inches and that she measures Seventy three Tons and 68/95ths of a ton that she is a Schooner, has a square stern, no galleries, and no figure head

SEAL OF THE COLLECTOR OF THE PORT OF Key West

sig^d Tom Whitehead Collector.

and the said John Wood having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said Act, the said Schooner has been duly Registered at the Port of Key West.

SEAL OF THE NAVAL OFFICER OF THE PORT OF

Given under my Hand and Seal at the Port of Key West this Nineteenth day of June in the year One Thousand Eight Hundred and thirty eight.

PORT OF

Given under my Hand and Seal at the Port of Key West this Nineteenth day of June in the year One Thousand Eight Hundred and thirty eight.

To Have and to Hold the said Schooner John. H. Holland and the Appurtenances thereunto belonging, unto the said John. F. Ohl of Philadelphia aforesaid his Executors, Administrators and Assigns, to the only proper use and behoof, and as the proper goods and chattels of the said John. F. Ohl his Executors, Administrators and Assigns, from henceforth, for ever, and I the said Ygnacio Badia as attorney aforesaid for my his Executors, and Administrators, do hereby covenant and agee to and with the said Francisco Alvarez & as Attorney aforesaid Executors, Administrators and Assigns, that at the Executin of these presents John Wood is the true and lawful owner of the said Schooner called the John. H. Holland of Key West and Appurtenances and that I have full right and authority to sell and dispose of the same, freed from and cleared of all claims, encumbrances, or demands whatsoever.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal at the Havana this 24th day of July in the year of our Lord One Thousand Eight Hundred and thirty eight

Ygnacio Badia

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Peter Cruse

Consulate of the United States of America

Havana } On the day of the date hereof, before me personally appeared Don Ygnacio Badia and subscribe to the foregoing Bill of Sale and acknowledged the same to be his act and deed. In testimony whereof I hereunto set my hand and the seal of my office at Havana this 24th day of July and of the Independence of the United States the

J. P. W.

Consulate of the United States of America
Havana 24th July 1838.

Fullerton. T. Kneass has taken the Oath required by law and is at present master of the within named vessel in lieu of John Wood late master.



N. P. Trist.

Vu 2 - 13 May No. 75.
Niggold

Consulate of the United States of America
Havana, May 4th 1839.

Hon: John Forsyth
Secretary of State
Sir,

Referring to my No 74 of this date I enclose a letter addressed to me by the late Captn. Fullerton. J. Kneass, under date January 17. 1839, which, this afternoon, since writing my No 74, has come into my hands in the following manner.

Upon the day of his return here from the coast of Africa, he stated to my clerk Mr. Crusoe, that he had been so ill that he expected to die, and had written me a letter, (which was still in his desk) stating what things he left and requesting me to send them to his wife.

After his decease I caused his things to be collected from different houses in which they were scattered, and brought to the Consulate. But the urgency of my occupations having obliged me to postpone from time to time

taking

taking any further steps with regard to them, the keys have remained, with his watch &c, locked up under the charge of the Vice-Consul.

With a view to writing to his wife, I just now opened the desk to see if the letter in question was still there; as it would of course give me her address. It lay on the top of all the papers the desk contained; but open: and on turning over the leaf to see the writing on the opposite side, which I presumed to contain further particulars, I was struck with its nature, and the fortunate circumstance that the letter had not fallen into the hands of some of my good friends who frequent the Ship-Chandlery where the desk had been left by its owner, or of some others who never go there.

Many a man has been convicted upon circumstantial evidence no stronger than this would afford to countenance the allegation of my being engaged in this traffic.

The explanation which suggests itself to my mind is this:- Upon reaching the point on this coast where the negroes were landed, Captn. Kneass (whose statements

=ments in regard to his separation from the vessel, and his having come as a mere passenger, are shewn by this letter to have been as untrue as I told him a jury would believe them to be,) having occa=sion to write to the owner in Havana, and being scarce of paper (which there not being any in the desk affords further ground for supposing to have been the case,) cut open his letter to me and used the reverse of the leaf to write his rough draft upon.

I am, Sir, very respectfully
Your Obed.t Serv.t

N. P. Hill.

January 17. 1839

To S P Frist Esquire

I am now sick with the
African fever and have given charge
of my Chest and writing desk to Don
Antonio Capo a passenger on board the
Portuguese schooner Josephine the which
he. I am passenger also in my writing
desk there is $387 in Silver and gold Three
Pure Gold Chains & Gold Rings you will
do me the favour to send my things to
my wife in Norwich. Connecticut.
Care of Messrs P & Hargous & Co. New York
also a Gold Hunting and oblige Yours.
Lever with 8 holes Jewelled Fullerton J. Stuart

Don Antonio will have my
Keys

Dr Sir

Your Schooner Has arrived a this place after a passage of 47 Days had when She left the Coast 156 Slaves & Died for want of proper attention She has also 19 on freight belonging to Dn Antonio Capo who is with his brother a passenger I am very sorry to say that the man you entrusted with the business did not attend to it properly we were three months on the coast exactly in a very bad place out of the three months he was on shore about three weeks he bought about 15 negros - the rest were purchased by the Mate Boatswain & men two have died or at least he help'd the death of his cousin 20 min before he died he struck him three blows on the head with a stick of wood the other died on shore when Rodriguez ought to have been on shore - and him on board he was cousin to the mate He is without exception the greatest rascal I know there is much more appertaining respecting the expedition you must know - and will hear but not from me - he was sick about two weeks & two more

N. P. Trist Esquire

U. S. Consul

Habana

No 2 14 May
Mr Perkins

Fernando Wood to the President.

New York May 7 1839

Dear Sir —

Capt Stanhope Nicholl begs the favor of laying before you a Statement of grievances which he has suffered, through the instrumentality of the American Consul at Havana ——

I am confident you will, with your usual promptitude act with impartiality and justice in this matter — Representations are made to me implicating in a gross degree the conduct of Mr. Ives ~~in this matter~~, and at the same time of the respectability of Capt Nicholl ——

I am, Sir with
Distinguished Respect

The Secretary
of the United States

Your Obt Servt
Fernando Wood

Ref.d to the
Secy of State
Mch

Capt Bradish

Martin Van Buren
President of the
United States

2-26 May
Ringgold No 77.

Consulate of the United States of America
Havana, May 10. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

Just as I was flattering myself with the prospect that another week or two of hard work would get me clear of the raft of muddy logs, for the necessity of noticing which at the present time I am indebted to the causes that aroused the patriotic spirit of Commander Babbit to the point of watchfulness & energy requisite to his expending a month or two here in the important "public service" of ~~[illegible]~~ keeping up these slimy & noisome obstacles in the track which I was steering, — just as I was getting to see the end of the labor of spiking & lashing them together in proper groups for detatching them out of my way for ever, — a mishap has overtaken me which would, under any circumstances, have been a serious one, but under the present is really a calamity.

My clerk, W. Conroe, who had a stiff knee (the consequence of the neglected effects of a former fall, acting in a scrofulous constitution; and which my Physician had told me would some day or other be the death of him), has had a fall in stepping out of my street door, the of a

feet

feet of which utterly disabled him for the present, and threatens to do so for weeks, possibly months, to come.

Thus am I not only deprived of his services, which were indispensable both at the writing table and out of doors, but part of my own time had to be given to him. Last night, for instance, instead of going to bed at the hour of nine — which must be observed to enable me to rise at day-break, half past four — I had to sit up, giving him medicine every hour, till half past twelve.

My Vice-Consul finds full occupation in his break-water post, and the financial department that is confided to him in all its parts; and should it prove impracticable, as I fear it will, to obtain a tolerable substitute for Mr. Coutoe, the consequence must inevitably be to put me behind hand very much, besides going very hard with me.

I am, Sir, very respectfully,
Your Obed.t

A. P. Hill.

2 26 May

Ringgold. X

No. 78.

Consulate of the United States of America

Havana, May 10. 1839

Hon: John Forsyth

Secretary of State.

Sir,

As, from the cause mentioned in my No. 77 of this date, the prospect is deferred of my being able immediately to transmit the documents of a series of cases, among which is that of the Seamen of the Ship Wm Engs of New Port, I bring the latter to your notice at this moment, in order that my purpose, for some time entertained, may no longer be postponed, of suggesting that an application be made through our Minister at Madrid for their pardon & release. — I should have preferred that this suggestion should have been accompanied by the documents showing the precise nature of the case and all the proceedings in it: but as these cannot be transmitted now, I must venture upon presenting the suggestion nakedly, with such weight only attached to it as my position & character may give to a recommendation of this nature.

This case has afforded the principal field of the important services rendered here to the american flag by the U.S. Ship Boston, wherein her commander acquired the distinction of being the "patriotic" instrument of sundry patriotic "american citizens", the two most conspicuous of

whom

whom, — Fernando Clark (whose house was, during the visit of the Boston, considered the head-quarters of the American Navy) and Doctor Bamstead, — came to be, before the departure of that Ship, and still continue, in imminent peril of a public prosecution for forgery; which, under the same circumstances, happening in our country, nothing could save them from. The case is simply that of the fabrication of the promissory note of an american merchant for $5000, to the order of Clark, (with whom the merchant had left his signature for certain Bills of Exchange) and indorsed by him to Bamstead, who had presented the note & brought suit upon it. Such is the notoriety of the infamy of these two patriotic vindicators of American rights, and honored intimates of the American Navy, that the combination of villany & effrontery in this little affair appears in too good keeping with their established characters to permit either doubt or surprize to be entertained in regard to its occurrence.

The persons whose pardon I wish application to be made for at Madrid without further loss of time, are the six seamen of the Ship Wm Enos of New Port, (John Taylor, John Broadfoot, John McKinsie, James Burrett, Isaac Clark and Nicholas Nelson) sentenced on the 22d of August 1838, for mutiny on board that Ship in this harbor. — John Taylor, the ringleader, was condemned to four years' hard labor in the Cabaña (the famous fortress commanding the Morro,) and the others to two years.

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The ground upon which, I long since endeavored to bring about a result favorable to them, and now make the present suggestion is, — the strong presumption afforded by my experience in this office, of the truth of their allegation, that they were wrongfully detained on board, to go on a voyage different from that for which they had shipped. Under these circumstances, they repeatedly begged (so they say) to be allowed to see me; and this being refused, they came to the determination, their perseverance in which brought about the conflict.

As this ground goes to exculpate the authorities who conducted the proceedings, for omitting to investigating this most material point, the application for pardon had better go unaccompanied with any specific reason. It might be rested upon a reference, in general terms, to circumstances favorable to the sailors, which were unknown to the authorities at Havana, (as really was the case, though it ought not to have been) but have since come to the knowledge of the Government of the U. States.

From the first mention of the subject by me, in September last, the Captain General was perfectly disposed to comply if possible with the suggestion which I then presented for his consideration & advisement with his law-officers until the time should come for acting upon it, to wit: that as soon as a vessel of war should come in, the men should be handed over to me to be put on board of her. But there proved to be, as he anticipated insurmountable obstacles to his doing what I wished, except

to

so far as to remit <u>one third</u> of the punishment, which he had a right to do in all cases, as an act of his own mere will and pleasure, without the necessity of law advice or revision of the proceedings, and without its casting any imputation upon their justice or correctness in any respect. Beyond this, however, he cannot go without such preliminaries and consequences. This remission of one third of the penalty was offered to me & promised before Capt. Babbit's friends had induced him to meddle in the matter. I did not immediately avail myself of the offer because this could be done at any time, and I had not yet become clearly satisfied that the remission of the whole, upon the plan suggested by me, could not be effected, — in other words, that my idea could not be adopted, of putting the men on board a man of war, under the pretext, to save appearances, of placing them at the disposal of the American government for a new trial.

This remission of one third of the term of imprisonment, has, I am told, been paraded in our newspapers among other exploits of Capt. Babbit! When I heard of this, I congratulated myself upon the accident of my having left this laurel in the hands of the Capt. General to place upon the brows of Capt. Babbit as an inducement to relieve them from so horrid a bore, as, judging from circumstances, I conceive his correspondence with them must have proved. If it was what I presume it to have been, it must have been an annoyance so vexatious

from

from its silliness & gratuitousness, as the functionary of no ~~one~~ nation except one in whom all proper sense of dignity had been long merged in the habitual fear of giving offence, would condescend to tolerate beyond the time necessary for a peremptory intimation to the would-be diplomat, referring him to his own government for light upon the points offered by him for discussion. How far it may comport with the duties of a powerful nation towards the principles of international rights, to permit the officers of a weak one to be thus bored by those wielding her thunderbolts, it is not in this case for me to decide.

I am, Sir, very respectfully
Yr Obt Servt
A. P. Hill.

2. 26 May
Ningold

No. 79.

Consulate of the United States of America
Havana, May 11. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

In the recommendation of an application at Madrid, contained in my No. 78, of yesterday's date, I beg leave to add one in favor of James Stevens, George Williams and William Journeay, three seamen belonging to the Schooner Henry Clay of Mobile, who, on the 6th of November last, were sentenced to six years' hard labor in the Cabaña, (fortress commanding the Morro) under the law against carrying a pointed knife.

This case is well known to the authorities to be one of those wherein persons innocent of any evil intent, or even of all conscious violation of the law, ~~will~~ come nevertheless under its rigor; and upon this ground, the Captain General offered & promised me some months ago, that upon my addressing him an official letter, one third of their punishment should be remitted. This letter I have not addressed to him, because it would always come in time, if nothing better could be obtained; and might prove a hindrance to further action in the matter.

When

When the men were arrested on account of the Sheath-Knives in their belts, they had merely left their work on board the Schooner to step ashore after something to drink. Still, there they were found, & it was a clear case of the infraction of that law, the strict enforcement of which by Bacon (who found it a dead letter except for purposes of extortion on the part of the Comisarios &c) was ~~the~~ mainly the secret of the sudden transformation effected by him: from a state of things in which stabbings & murders were of hourly occurrence at mid-day as well at midnight, to one of absolute security of the person at all hours of the night no less than day.

The offence consists in the mere carrying of a knife that a man can be stabbed with. The law allows no enquiry (at least, in his favor) as to the intention of the party. If it did, it would be good for nothing in any Spanish country: the carrying of a knife being the very first point in the ambition of a child of the male sex; just as to be breeched is with us. ~~Why~~ Until this moment has arrived the boys exercise themselves at stabbing with <u>their shoes</u>! They off with their shoe, and at it they go. The only possible way, then, to afford security against the knife is, to prevent its being carried at all: or at least to have the end square instead of pointed, when carried by those to whom a knife is indispensable.

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The pardon in this case is, therefore, a matter of great delicacy; and although I hope that it will be effected, I am not without apprehension that it may open the door to the evil which was anticipated by the energy of Jacon.

I would suggest that it be stated in the pardon, that it is granted at the express solicitation of the Government of the United States, based upon the facts that the men are mariners of a nation where the use of the knife is altogether unknown in personal conflict, and that they were at the time actually engaged on board their vessel in work wherein these knives were necessary, and had merely stepped ashore for a moment when they were arrested.

I am, Sir,

Very respectfully,

Your obed.t

S. Hill.

26 May
Ruggold

No. 80.

Consulate of the United States of America
Havana, May. 11. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

Another application to the Government at Madrid which I beg leave to suggest is, for an entire copy (testimonio completo) of the proceedings (sumaria) in the case of Purser Southall of the U. S. Ship Boston, and the Spanish Lancer.

The Captain General told me that he was convinced that it would be granted there; and expressed regret (which I am sure was very sincere) that a consideration of great moment to the authorities here, of whom similar demands have repeatedly been made, forbade his breaking through the rule in this case, (thereby throwing open the door for all future time) as his personal inclination strongly prompted.

He offered to have it shewn to me privately & confidentially; and expressed his conviction that if Capt. Babbit were to see the testimony given by the Purser's own witnesses, he would be satisfied that the course pursued by the authorities was marked by a leniency & delicacy towards the stranger (because a stranger) which would not have been shewn to a Spaniard. – But

of

of this, more hereafter.

I am, Sir, very respectfully,
Your obed't
S. P. Hill.

2. 31 May
Ringgold X

No. 81.

Consulate of the United States of America
Havana, May 14. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to inform you that the applications to the Government at Madrid in regard to the Seamen of the Ship William Engs and Schooner Henry Clay, suggested in my Nos. 78 & 79, under date the 10th & 11th inst, are rendered unnecessary + by a Royal Order recently received, and of which I was advised on yesterday, the day after the sailing of the ship St. Thomas, which carried my communications just re= ferred to.

The Six Seamen of the Wm Engs were delivered to me yesterday; and the Captain General verbally informed me that the terms of the Royal Order would enable him to deliver to me those of the Henry Clay and any other mar= iners in like Situation. I have therefor made applica= tion for them, and at the same time for Captain Love Straw, X master of the Brig Sarah-Ann-Alley, imprisoned under the proceedings instituted for the discovery of the authors of the robbery of a considerable sum in gold brought to this place by him as freight, and of which it turned out that

he

+ See end of postcript.

No. 81

he was himself the chief. The man's sufferings, mental & physical, and the contrition evinced by him, determined me a month or two ago to do what I could to have him discharged before his conviction & sentence should come to pass; and accordingly I have several times represented his condition to the Captain General as the ground of my request that the case might be brought to an early close, instead of being allowed to linger any longer for the "ratifications" of the testimony given by the witnesses (the mate & seamen) who left port soon after, and the return of whom, I have failed to notify to the authorities, through pity for the wretched man, whose sentence would be thereby sealed.

He has already suffered enough to produce penitence in his own bosom, & to make him a beacon to others. And these ends being fulfilled the claims of pity may be admitted without a departure from the duties of my post: particularly as the tone of demand for my interference, whereby he & his advisers — by whom he is utterly abandoned — thought to make me flinch under the dread of accountability for "refusing protection to american citizens," having become subdued into one of humble supplication, I am no longer under the necessity of adhering to a course setting all such threats at open defiance.

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The order for the delivery of the men of the Wm Engs is officially stated to be founded upon a Consulta (opinion & advice) of the Auditor de Guerra, given in the course of the expediente (paper book of proceedings) arising upon the demand made for them on the 14th of January last by the Commander of the U.S. Ship Boston.

This opinion of the auditor refers to the Royal Order of the 26th of March last: of the provisions whereof it is an application. — The Royal Order, the Capt. Gen.l told me, had grown out of communications made by him to the Court. Time did not allow him at the moment to go into explanations; and the conversation was adjourned at my own motion: the Oficial Mayor de Marina, attended by an orderly carrying a portfolio, having, in the antechamber where I found him, enquired of me very anxiously if I were going to stay long, and received my promise that I would not be more than a minute or two. — I shall endeavor to obtain a copy of the Royal Order, which probably begins with a recital of the causes & views from which it has arisen.

I am, Sir, very respectfully
Your Obed.t Serv.t
J. F. Hall.

Postcript

Postcript May 17. 1839. — On yesterday I paid a visit to the Government-House, where, after waiting a considerable time in the Antechamber adjoining H. E.'s office, (whence I saw him all the while engaged in signing papers of urgency presented by the Military Secretary,) I was able to speak with him for half a minute only as he was passing through the Hall of Meeting of the Junta de Fomento, who had been waiting for him before I arrived. — This is a specimen of the fruits of saddling an officer who had already ten times as many things to act upon as he could possibly take any cognizance of, with another load doubling the first. — It is possible that the Government may have done to be aware that the Captain General cannot possibly discharge the duties of the Superintendencia, and that the footing upon which the matter has been recently placed is merely a manoeuvre to get rid of Villanueva, in the further design to make the Superintendency subordinate to the Captain Generalcy, (which it ought to be) but still to be occupied by a person whose whole time may be devoted to its duties.

Although disappointed of my contemplated conversation with H. E., I learnt from another person (who could not, however, speak positively) that probably the provisions of the Royal

Order

Order apply only to offences committed by mariners on board the vessels to which they belong. If this be correct, then the case of the men of the Henry Clay will not come within them. — I would recommend therefore, that my first suggestion in regard to them, as contained in my No. 79, be acted upon without delay.

N. P. Trist.

2. 29 June
Unriggled

accts. & vouchers delt. to Mr. Stubbs.
a/c. with the estate of A. McCorkle dec'd. the
Ship N Orleans & Brigs Vito & Plato with the
No. 82. & Memorandum with same—

Consulate of the United States of America
Havana, May 21. 1839.

Hon. John Forsyth
Secretary of State.

Sir,

I have the honor to transmit herewith my accounts & vouchers for the half year ending Dec.r 31. 1838, a list of which is enclosed.

Their transmission has been delayed until this time, because of my wish that they should go accompanied with a full explanation of the Disbursement on which the account against the Treasury Department is founded, and also of some of the items contained in that for the relief of Seamen. Such explanation could rest only upon a Statement of the cases in which the disbursements occurred; concerning which cases a right judgment upon the necessity of the course pursued by me could not be formed except by considering them connectedly as parts of a series. The task of preparing this series for transmission has monopolized all the time that could be spared to it: but contrary to my expectation it remains yet uncompleted; and the accident to my clerk, mentioned in one of my recent communications, having removed the prospect of bringing it to an early close,

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I deem it proper that the accounts should go forward, even although without the accompaniments requisite to the settlement of a portion of them.

Four of these accounts relate to balances which are to go into the Treasury for the legal claimants under the act of April 14 1792. In these cases I am chargeable with remissness in regard to the immediate notice required by the Act (mention of which is omitted in the detail of proceedings contained in the Consular Instructions Ch. 4. Sec. 2.) to be given in the newspapers of the place and to the Secretary of State.

Without entering into the details requisite to convey it fully, I will remark that my apology for this remissness (the recurrence of which shall be guarded against) rests both upon the particular circumstances of the cases, and the general fact, that, owing to the multiplicity of the demands upon my time, it has never been practicable fully to answer even those connected with that portion of the duties of this post which I deem of paramount importance, and my labors in which will, I flatter myself, prove in the end of decided & permanent utility to the country. Meanwhile, the consequence has been, that a variety of matters, which considered in themselves are entitled to attention, and under a proper system might receive it, have not received mine

because

because it was impossible that they should without prejudice to others, compared with which they are alto=gether insignificant.

(The duties of this paramount class are, as I shall hereafter demonstrate, precisely those which are most apt — nay, which are <u>certain</u> — to be neglected; to be, not neglected, but <u>utterly disregarded</u>: a disre=gard which the circumstances wherein he is placed ren=ders, to all practical intent, compulsory on the Coastal; and the blame for which rests therefore upon the System, or no-System, rather than upon the individual who, upon assuming the post, finds that it is one wherein the want of definite legal provisions & instructions leaves him in utter darkness as to his line of duty in regard to any point of a sufficiently positive nature to deserve the name; while, if under his general sense of duty, quickened by crying appeals from those whereof he is officially told that he is "the protector," he makes a single step, he finds that he is ~~[illegible]~~ venturing into a raging whirlpool, to draw back from which is the im=perative dictate of prudence. — What wonder, then, that such temerity is never heard of!)

To discharge my duty in this field; and as a part of that discharge of duty, to prepare materials for the action of the Government therein, has proved a task that left but a small portion of my attention disposable

for

for matters of secondary importance.

Hence, every thing belonging to what may be termed the financial department of the Consulate has unavoidably been left altogether to my Vice-Consul. So far has this been the case, that not only do all payments, whether fees or others, and all disbursements pass through his hands alone, without my knowing anything about them at the time; but for months together I have not the slightest knowledge of the state of my individual account, as resulting from the nett profits of the Consulate compared with the amounts paid to & disbursed for me in payment of bills of all sorts arising from personal & household expenses. — In our country, all such bills would have been paid at my residence instead of my office; and must have come more or less particularly under my own notice. But here, conformity to the rule of safety universally observed, (which forbids the keeping of money anywhere but in a strong box within the city, and above all the making of payments anywhere else) forced me into the practice of having my bills paid by the Vice-Consul who had charge of the office-strong box. And this practice, conjoined with the pressure of urgent duties under which I have always been, has been attended with the result above stated in regard to my utter ignorance, except at very distant intervals of time, of the money operations of the Consulate, even in their results upon

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the State of my own purse. And this had gone on from year to year, although no one is more sensible than I, that it ought not to be; however sure one may feel (and I feel perfectly so) of the man in whom such confi= dence is placed. But, sensible as I am of the duty of giving my own attention to the subject, other duties equally undeniable & more urgent have put it absolutely beyond my power; by breaking through every determina= tion & rule which I have formed with regard to its dis= charge. Repeatedly have I prescribed to myself pe= riodical examinations of my accounts, — at the end of every week, — at the end of every month. But after per= haps effecting the observance of my rule on one or two occasions, some period of pressure would be due to oc= cur, during which, instead of finding time to sit down & collect my thoughts upon matters of account, to get away from my office, heated & exhausted by hard driving & want of food, or time to take any that day, would be as much as I could effect: sometimes more; for not unfrequently has the race been, not against the latest hour for taking food, but against that for closing the city gates.

Such has been the state of things in regard to my command of time; whilst my disinclin= ation that any subjects except those of merest official form & routine should be disposed of by any other than

myself

myself, has prevented things from being attended to, which might have been disposed of by the Vice-Consul without my agency.

A particular explanation of each of the four cases will be found enclosed.

Enclosures Nos 2. 3. 4. & 5.

For the amount of my account against the Department of State, I send a draft to the order of my friend Wm. Wm B. Randolph, to whom it will in part be necessary, to honor one drawn upon him in favor of the Treasury Department for a part of the amount remitted to it upon the four accounts abovementioned.

I am, Sir, very respectfully
Your Obed.t

A. J. Dallas.

requested to return this
also to the Department
of State

2 Ex from Knuggold

No 83.

Confidential

Consulate of the United States of America
Havana, May 23. 1839.

Hon John Forsyth
Secretary of State.

Sir,

I have the honor to transmit herewith the Return of American shipping and the Statement of Fees of this Consulate for the half year ending December 31. 1838, which, together with my accounts, have been for some months awaiting my signature, or rather the explanations required by the accounts.

In regard to the fees received during the past year, a considerable increase will be perceived, arising in a great measure from Portuguese vessels.

In consequence of this, among other considerations, I was led to decline at the close of the year, rendering any longer to vessels of that nation, the Services which were the source of that income. In a former communication (No. 40, May 22. 1838) I had occasion to explain the origin & nature of my connection with Portuguese vessels; which, in consequence of the suspension of the Portuguese Consul (Dn Jose Miguel Fernandez, an employé in the great american house of George

Knight

Knight & Co, and a particular friend of its head) who believed it would prove very transient, had then recently been renewed.

The rendering of Consular services to the subjects of States in amity with that represented by the Consul is a sort of common-law of the Body, (on several occasions recognized in Acts of Congress with regard to the authentication of documents) a respect to act in accordance with which would, under any but very extraordinary circumstances, amount to a breach of the obligations belonging to that relation. It was under a sense of these, quickened by a very indignant one of the audacious trampling under foot of the first principles of international independence, enacted under my eyes by agents of the British Government towards the two unfortunate nations who are cursed with the most imbecile, corrupt & traitorous governments now upon earth, that I experienced decided gratification in putting my signature & seal of office to documents, a large proportion of which were sure to come into the possession of the British Government, and thus prove to it the spirit of defiance in which its game of oppression & imposture combined, opposition towards the subjects of others, imposture towards its own, could be treated by an American consul. — Although just as truly and decidedly opposed

opposed to the Slave trade — upon grounds far from identical however — as Lord Brougham himself can be (whose Anti-Slaveryism is as distinguishable from that of some others, "noble lords" included, as virgin gold is from sterling pinchbeck,) I did not deem it incumbent upon me on that account to join in the game of pious fraud, for which the subject now affords such golden pretexts, by turning up the white of my eyes at the "nefarious traffic", and ringing the changes upon this and the kindred cant phrases which constitute the staple of the trade driven by many a worldly hypocrite. On the contrary, it seemed to behoove me as a man & as an american citizen to maintain the independence & honesty of my conscientious sentiment on the subject as unconfounded as possible with the Maw-worm professions & tricks which daily awakened in me the most lively disgust.— Hence, convinced though I was, that the vessel was a Slaver, I would receive the declaration of the master in regard to his crew and armament, and give him a certificate thereof, upon the same principle and with as perfect freedom from self-reproach, as had the circumstances been reversed, I would have given to a British manufacturer or merchant a certificate of his declaration as to the true contents of a bale of cottons or a cask of Shackles, however notorious it might be that they could have been made for no other

purpose

purpose than the Slave-trade.

There was an additional consideration, — one of no small weight, in regard to these Portuguese vessels. Those concerned felt as a grievous tyranny & oppression their subjection to laws not of their own — emanating from neither the public sentiment, nor the genuine will of the constituted authorities of their country, — but, to all intents & purposes, of British manufacture, and forced upon their necks by British power. The feelings likely to be engendered by this view of the subject are greatly aggravated by the conviction, which, although in my opinion erroneous in both its parts, is a very sincere one, that the trade is not forbidden by the laws of humanity, and that the present opposition on the part of the nation which but very recently was the most extensively engaged in it, is altogether selfish and unprincipled, and aimed solely from the desire to injure their neighbors in order that they may reap profit therefrom. — To these convictions & feelings on the part of all interested in these vessels and all engaged in navigating them, add the fact of their adaptation to piratical pursuits, & you have a state of things, now in full & active play, which the merest straw would seem sufficient to give a turn to, that it actually makes one shudder to think upon. — Here indeed is piracy, not in the bud,

but

but developed on the most magnificent scale, ready to avow itself and to be piracy, especially to the whole "Inglesa" race, the instant that British intermeddling shall have accomplished its present end of having it so declared by treaty.

With reference to this state of feeling, the authentications which I gave, although merest moonshine with regard to any question that could possibly arise concerning these vessels as slavers, were attended with an effect of a very positive & important kind. As corroborating the other proofs which the vessel might carry of a regularity of proceeding in regard to her fitting out & departure, they were, to a certain extent, evidence of a non-piratical intent. There is faith among robbers. And I doubt not, that under circumstances in which piracy — particularly if upon an american vessel — would have been resolved upon, the mere fact of their having for their own protection a document with the signature & seal of the American Consul, would turn the determination the other way.

Such were the views under which I acted on the subject, prior to the appointment of a Portuguese Consul. Down to that time the amount of fees from this source (possibly from one to two hundred dollars a year) was too inconsiderable to permit me

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to dread the imputation of being influenced by that consideration. The measures of the British Government imparted, however, daily encreasing activity to the trade under that flag; to such an extent, that, at the time of the suspension of Mr. Fernandez, his friend & mine, Mr. George Knight, observed to me that he might have made twenty thousand dollars by the office (he had held it, I believe, less than a year) had he chosen to use the opportunities offered by it. — Sensible of the change in this respect, it was not without a feeling of uneasiness, that I assented to the request of Mr. Fernandez to resume my old relations to the flag, even for the short interval which he believed would bring his restoration to his office. — But for his confidence that it would prove very short, I should have declined. However, having once assented to the proposal, I was led to allow matters to continue from week to week & month to month, till the end of the year; when, there being no immediate prospect of the post of Portuguese Consul being filled by his restoration or by the appointment of another, I announced my determination not to do any act for Portuguese vessels.

To this determination I had been long coming, through the uneasiness produced by the protraction of the period during which I was

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to act, under the reflection that owing to its pre=
sent lucrativeness, the relation in which I stood to=
wards the Portuguese flag now warranted imputa=
tions which an American Consul should not afford
even a pretext for: above all, in any matter con=
nected with the Slave-trade. It was quickened and
rendered the more inflexible from the accidental dis=
covery, a few days before the period fixed for carry=
ing it into effect, of the fact that the authorities
(between whom & myself there had never been a word
of even verbal communication on the subject) af=
fecting to consider me as Portuguese Consul, the
Roll or Crew-List of the vessel, bearing my mere
authentication, (as Consul of the United States, acting
because of there not being one of Portugal) of the
Master's declaration to its correctness, was, by them
feigned to be looked upon as their warrant for clear=
ing the vessel!

Their reliance upon a pretext so flimsy, may
so utterly destitute of all pretension to substance of even
gossamer weight, indicates a predisposition to be sat=
isfied with regard to the validity of ships' papers, which
there is not much difficulty in accounting for when
taken in connection with the fact, (fact as notorious
here as the Slave trade itself, that this trade is a
source of daily income, in the shape of a tribute

no

no less than in that of Stock dividends, to all the prin=
cipal officers of government, of whom the Captain
General is, of course, the lion: his share of the head-money,
by the general estimate, exceeding two-hundred thou=
sand dollars per annum; a sum which, however res=
pectable in itself, does not appear of very startling
magnitude when compared with the value of twenty
thousand Slaves, which is about the number landed
within the region under the Captain General's special
ken.

To throw obstructions into the course of so in=
teresting a branch of business, could be the work of a <u>fon=
to</u> only; and accordingly, I have been denounced by
some, and railed by more, who are less open in expres=
sing their thoughts.

After an interval of some weeks from
the announcement of my determination, it was under=
stood that the Captain General, at the solicitation of
those interested in the <u>Portuguese trade</u>! had appointed the
Tuscan Consul, (an old cigar maker) to act for them.
He is now doing so, & is said to be rapidly realizing
a fortune. "<u>Caray</u>," (Lounds) said one of these men
to W. Crabbe, shortly after, "Do you know what it
costs us now to get a vessel out under the Portu=
guese flag? <u>Forty ounces</u>."

(A day or two before W. Crabbe met
with

with his last accident, a Spanish Ship-master came to the Consulate to get a crew-list authenticated. He & his vessel belonged to the Republic of Uruguay. He had cleared at Marseilles some five or six months before, for Havana & Montevideo, and had a crew list authenticated by the signature & seal of his own Consul at Marseilles. Detained here by the blockade news from those parts, he had got rid of his crew; and now, having got ready to proceed, he wanted his new Crew-list authenticated. For this purpose, he had applied to the Portuguese Consul. "And what think you", said the Uruguay captain to Crusoe, "do you think he had not the face, upon looking at my Rol, to say seriously, 'two thousand dollars'! I could scarcely credit my own ears." The good old cigar vendor had mistaken him for a Slaver.)

During this interval, many a bet was made at me, which I was compelled to meet with american impoliteness, that is to say with "impossible"; a word that belongeth not to vocabulary polite or "entre amigos" in Spanish countries, any more than it did to that of Bonapartean tactics. Of these an idea may be formed from the following, which were a part of what came through W. Crusoe, whose command of the Spanish language & dialects & the Portuguese, and anti- John Bull

ish

ish propensities render him a favorite with these people, whom they treat without reserve as a "padysano", (countryman). "If money is an object with the Consul, what better could he wish for than the american consulate and the Porte = guese?" said one. — Speaking of the predilection of this class for the americans, as the resisters of British insolence, Mr. Outoe repeated a remark of one of them, and added, "If you would take money from them Mr. Trist, and act as one of their own officers would, they would actually worship you. They would have offered it long ago, but they are afraid."

I do not hesitate to state these things; because, although my doing so would with some subject me to the imputation of self glorification, it will not with those who know me. Moreover they have happened, they constitute part of the position occupied by me here as American Consul, and it is right they should be put by myself upon record. Like every thing else connected with this business, they are insusceptible of judicial proof, yet they are of a nature to be known as things of course by any in = telligent man who has at this stage put himself to the trouble to obtain an insight into how the thing works. Any such would know what <u>must</u> have hap = pened to one occupying my position. Without the in = fringement of a single law, or laying myself open

to

to a single definite charge of violation or of neglect of duty, — by simply allowing matters to flow in their natural course, without any apparent agency of mine, — by mere passiveness on my part, it had been in my power, particularly within the last fifteen months, and the more particularly within the last five, to secure what had long been an object of my earnest wishes, — one which I believe myself not destined ever to attain, — pecuniary independence, — the absolute command of my own time. Since the affair of the Brig Thomas especially, (than which nothing could possibly have been better adapted to the purpose of at once demonstrating the necessity of obtaining the Consul's connivance, and furnishing him with a pretext for distinguishing between that case of traffic Key-West impudence, and the New-Orleans cases of regular, well sealed "Sea-Letters".) these people would most cheerfully have shewn their gratitude by subjecting themselves, now & for years to come, to a tribute of from one to two thousand dollars, according to circumstances, on every clearance of an "American vessel" chartered by Dn Pedro Martinez, or Dn Jose Mazora, or Dn Lino Carballo, &c, &c; and the aggregate would not have fallen far, if at all, short of double the Salary of the President of the United States. —

Nor

Nor would they have failed to comply with any conditions regarding secrecy, which the difference between the american & the Spanish governments would have manifested the necessity of in respect to an officer of the former; and which their anxiety to secure his cooperation would have been a pledge for their fidelity to, as long at least, as it could be important to either party or in any other regard than that of character alone. And on this point, as, from the nature of the subject, anything like proof might have been challenged by the most notorious offender, the worst that could befal the most guilty would be the same that might befal the most innocent, — to be suspected.

My determination abovementioned was announced in a letter to W. Fernandez, under date December 28. 1838, a copy of which is enclosed. And, after the lapse of some weeks, during which that determination was ascertained to be unchangeable, I received from the Capt. General the letter, which, with its translation, forms a second, as a copy of my reply does a third, enclosure. No. 1. No. 2. No. 3.

I am, Sir, very respectfully
Your obed.
A. Pickens.

Consulate of the United States of America
Havana, December 28th 1838.

J. M. Fernandez Esqre
Sir,

With a view to prevent disap-
-pointment on the part of the Masters of
Portuguese vefsels at a moment when the
delay attending an application elsewhere may
be productive of inconvenience, I beg leave
through you to notify to them that circum-
-stances will not permit me any longer to
receive their declarations on the subject
of their Crew-Lists or to do any other Notarial
Act whatever in relation to their vefsels or
men.

I am Sir, very respectfully
Your Obed.t Serv.t
N. P. Trist.

Timbre Público y Fiscal de la HABANA

Rec.d with Consul Trist N.o 83
Rec.d 11th Feby at 5 o'clock P.M.

Espero se sirva V.S. manifestar-
me si continua desempeñando el encargo
del Consulado de S.M.F. en esta ciudad,
que servia por cesacion de D.n José Mejuel
Fernandez, con objeto de poder resolver acerca
de una solicitud hecha por varios indi-
viduos de dicha Nacion

Dios gue a V.S. muchos años Hab.a
11. de Feb.o de 1839. -

Benjamin Astapalcha

Sr. Consul de los Estados Unidos de America -

(Translation)

Gobierno Political and Military
of
Havana

I have to request that Your Lordship will be pleased to make known to me whether you are still discharging the functions (desempeñando) of the Consulate of H. F. M. in this city, which service you performed in consequence of the cessation of Dr. Jose Miguel Fernandez: (this request being made) with the object of my being enabled to determine in re=gard to a petition from various individuals of that Nation. — God preserve your Lordship many Years
Havana 11 of February 1839. —

Joaquin de Espeleta

To the Consul of the United States.

Havana Consulate No. 83 Enclosure No. 3.

(Copy)

Consulate of the United States of America
Havana, February 12th 1839.

I have the honor to acknowledge the receipt of Your Excellency's ofcio of yesterday's date, requesting to be informed whether I continue to discharge the functions of the Consulship of H. F. M. in this city; and, in reply to state, that, in the very limited sense wherein alone this has ever been done by me, and which did not imply any official dependence on my part upon that Government or any connection whatever with it, but consisted solely in the exercise in behalf of Portuguese vessels and subjects, of certain general powers which the Consuls of friendly nations are, in the absence of each other, in the practice of thus exercising for other flags than their own, — it has ceased to be since the close of the last year. —

I have the honor to be, with the highest consideration Your Excellency's

Obed.t Serv.t

N. P. Trist.

His Excellency Don Joaquin de Espeleta
&c &c
Captain General
&c &c &c

Rec.d with Consul Instr.s No. 83.

Consulate at Havana.

Consul, N. P. Trist.

Half year ending Decemb.r 31.st 1838.

Return of American Shipping

Whole number of vessels arrived ..... 370.

Whole amount of Tonnage ..... 50601.

Whole number of Seamen all told (masters included) 2847.

This includes 45 Smacks bring.g live Fish caught on the Florida coast. - For other details see the Recapitulation at the end.

Consular Return

American Vessels arriving at, and departing from Havana, from the first day of July to the thirty first day of December 1838. inclusive

Date Arrival	Class	Name.	Burthen	Master	Crew in		Where from
July 2	Schoon	Orbit	138	W. Heddean	5	2	Bath
" "	Sloop	Elect	67	J. Simpson	5		Key West
" "	Bark	Poacher	219	J. B. Howe	7	3	Warren
" 3	Brig	Diligence	268	J. B. Woodbury	8	3	Baltimore
" "	Schoon.	Traveller	100	C. Salvi	1	5	New Orleans
" 4	Brig	Comet	118	H. Dickenson	7	1	New York
" "	Schoon	Jack Wilding	98	J. Taylor	6		Baltimore
" "	Ship	India	184	R. Adams	9	2	New York
" "	Brig	J. C. Calhoun	147	J. Ross	7	2	Charleston
" 5	Schoon	Fran' Amy	98	H. Ashby	5	1	Groton
" "	Brig	Susan Jane	262	A Winslow	6	3	Portland
" 6	Schoon	Orion	50	R. Kelsey	5		Key West
" "	Brig	Arethusa	223	W. Watson	8	2	Philadelphia
" 7	Ditto	Kremlin	234	A. Wendall	6	2	Matanzas
" "	Ditto	Benjamin	122	W. M. Otis	6	1	Bath
" "	Ditto	Sebago	228	H. Coffin	7	2	Portland
" "	Bark	Wm Smith	273	J. Manner	7	2	Ditto
" "	Schoon	Napoleon	129	J. Cooper	5	1	New Orleans
" "	Ditto	Geo. A. Brook	99	H. Saddler	6		Baltimore
" 9	Brig	Angeline	168	J. B. Leighton	7		New York
" "	Ditto	Franklin	160	P. Hitchcock	6	1	Malanzas
" "	Ditto	Catherine	131	W. P. Rose	6	2	Charleston
" "	Ditto	Pandore	210	W B. Owen	6	2	Ditto
" "	Schoon	Mark Wood	115	J. Hammond	6		New Orleans
" "	Brig	Antelope	183	J. J. Howell	9		Mobile
" 10	Ditto	Bulah	227	J. Parsons	5	4	Boston
" "	Schoon	Florida	83	M. Kelly	3	3	Baltimore
" 11	Brig	Oriental	195	W. W. Hatch	7	2	New Orleans
" "	Ditto	Midas	151	J. Robertson	7	2	Baltimore
	Schoon	Hope Susan	74	C. M. Folger	3	1	Pensacola
" 13	Sloop	Caroline	80	E. E. M. Keige	3	1	Tampa
			4834		184	50	

Where belonging	Ports touched at	Cargo inward	Value of inward cargo	Amount
Bath		Lumber.		
Nantucket		Ballast.		
Warren		Empty hhds, shooks		
Portland		Lumber.		
New Orleans		Cotton &c.		
Ditto		Dry goods inwds.		
Baltimore		Ballast		
New York		Merchandise.		
Charleston		Rice		
Groton		Ballast		
Portland		Lumber.		
Key West		Ballast		
Philadelphia		Machinary		
New York		Ballast		
Brunswick		Lumber.		
Portland		Ditto		
Ditto		Ditto		
Pittston		Flour, hams &c		
Baltimore		Ballast		
Salem		Lumber.		
Wilmington		Ditto.		
Charleston		Rice.		
New York		Ditto.		
Boston		Corn &c.		
New Bedford		Lumber.		
Boston		Ditto.		
Baltimore		Ballast.		
New Orleans		Flour, provs &c		
Baltimore		Lumber.		
Nantucket		Flour.		
Tampa		Ballast		

Return continued

Cargo outward	Value of outward	Crew out		Date of departure	
		Amer icans	Foreigners		
Sugar. coffee. cegars & fruit		5	2	July	18.
Ditto do & do		7	3	"	10
Ditto do cegars & do		7	3	"	19
Molasses		8	3	"	27
Merchandise		2	6	"	20
Sugar. coffee. cegars,		7	1	"	16
Ballast.		6		"	16
Sugar. honey, cegars,		9	2	"	22
Molasses & Sugar.		7	2	"	15
Sugar cegars & fruit.		5	1	"	20
Molasses.		6	3	August	14
Sold.				"	14
Molasses & Sugar		8	2	July	31
Ditto do & coffee		5	4	October	9
Sugar cegars &c.		6	1	July	20
Molasses		7	2	"	28
Ditto		7	2	August	14
Ditto		5	1	July	13
Ballast		6		August	4
Molasses		6	1	July	31
Ballast		6	1	August	12
Molasses & Sugar		6	2	July	18
Molasses.		6	2	August	26
Sugar & cegars		6		July	29
Molasses		6	3	August	11
do & Sugar		6	3	November	7
Merchandise		1	14	October	10
Sugar cegars &c		7	2	July	22
do do & do		7	2	"	28
do molasses &		8	1	"	22
Fruit		3	1	"	16
		181	70		

Consular Return - continued

General Remarks.	
New Orleans	
Savannah	
New Orleans	
Portland	
Island, Principe	A Farnsworth Master
New Orleans	
Baltimore	
New York	
Charleston	
New Orleans	
Portland	
Sold	
Philadelphia	
New York	
Boston	
Portland	
Ditto	
Bath	
Baltimore	
New York	
Wilmington	
Charleston	
New York	
Ditto	
Philadelphia	Wm Wallace Master.
Boston	David B Williamson Master
Africa	David B Williamson Master
New Orleans	
Baltimore	
Nantucket	
P Marks (F)	

Consular Return continued.

Date of arrival	Class	Name	Burthen	Master	Crew in American	Crew in Foreign	Where from
July 16	Brig	Beta	263	J. Richards	11		Liverpool.
" "	Schoon	Abel S. Dugan	66	J. Taylor	1	5	Key West.
" "	Ditto	Panchita	60	J. Abzina	1	4	Campeachi
" 17	Ditto	Mechanic	101	D. Kelly	5		New Orleans
" 18	Ditto	Plant	298	J. Jordon	7	2	Boston
" "	Ship	Havana	261	H. H. Ellis	13	3	New York
" 19	Brig	Chas. Carroll	139	G. W. Vanslavnia	6	2	Ditto
" "	Ditto	Chatham	101	E. G. Adams	6		St. Mary's
" "	Schoon	Liberty	73	L. Russel	6	1	New Orleans
" 20	Brig	Caroline	209	J. Edmunds	6	2	Portland
" "	Ship	Vespasian	318	B. Winsor	8	7	Liverpool
" "	Ditto	Em. Taylor	388	C. Gill	8	7	Ditto
" "	Bark	Rapid	189	B. L. Ward	9	3	New York
" "	Brig	Commerce	151	J. E. Trott	6	1	Bath
" "	Ditto	Maria	139	J. R. Pierce	5	2	Portland
" "	Schoon	Leontine	82	T. Kelly	5	1	Savannah
" 21	Brig	Magnolia	171	J. Learett	6	1	Matanzas
" 24	Ditto	Arab	99	O. Farnham	8	1	Key West
" "	Ditto	A. E	97	C. F. Driscoll	6	1	New Orleans
" 28	Schoon	Emperor	105	H. W. Howinson	6	1	Mobile
" "	Ditto	Henry Clay	89	J. Patterson	6	1	New Orleans
" "	Brig	Catherine	122	H. Merrill	6	1	Ditto
" "	Schoon	Hero	126	H. Colesworthy	6	1	Sisal
" "	Ditto	Perry Spencer	79	D. Maguet	5	1	Mobile
" "	Ditto	Whale	81	J. G. C. Kleps	9	3	Key West
" 29	Ditto	E. Dorsey	93	J. Rose	5	1	Jamaica
" "	Brig	Agnes	206	J. Panot	8	1	Matanzas
" "	Ditto	Pearl	157	H. N. Fogue	6	2	Boston
" 30	Schoon	Jas. Stewart	74	P. Holtz	4	2	Philadelphia
" "	Ditto	Urchin	115	J. H. Baker	7		New Orleans
			4362		191	57	

Where belonging	Ports touched at	Cargo inward	Value of inward	Amount cargo la
Boston		Assorted.		
Baltimore		Flour.		
New Orleans		Logwood.		
Dennis Me		Flour, hams &c.		
Portland		Dry goods, shooks & Specie		
New York		Ditto, chains, &bark.		
Ditto		Ballast.		
Dover		Lumber.		
New Orleans		Flour, lard &c		
Portland		Lumber.		
Boston		Ballast.		
Ditto		Ditto		
New York		Dry goods, oil &c.		
Bath		Lumber.		
Portland		Ditto		
Wells		Rice.		
Portland		Ballast.		
Gardiner		Ditto.		
Baltimore		Corn &c.		
Pensacola		Lumber.		
New Orleans		Dry goods, lard, cont.		
Ditto		Flour lard &c		
Ditto		Logwood, hemp, hides		
Mobile		Rice & cotton		
Key West		Ballast.		
Baltimore		D°. & Specie.		
Boston		D°.		
Ditto		Fish, cordage &c		
Philadelphia		Onions &c		
New Orleans		Corn, cotton &		

Return — continued.

Cargo outward	Value of outward	Crew out. Americans	Crew out. Foreigners	Date of departure		
Sugar. Sold.		9	2	August		12
Merchandise.		1	5	July		31
Sugar, tobacco, honey.		5	2	August		29
Assorted		4	5	"		23
Sugar. honey & cegars		13	3	"		4
Ditto coffee & dc.		6	3	"		2
Molasses.		6		"		26
Sugar Ballast & coffee dc		6	1	"		5
Sugar, molasses		6	2	"		11
Ballast.		8	7	July		22
Sugar.		8	7	"		31
Sugar.		8	4	August		2
Coffee Ballast &c.		6	1	July		30
Sugar.		5	2	August		10
Coffee Sugar, cegars dc		5	1	"		7
Ditto & Molasses dc		6	1	"		19
Sugar & cegars.		8	1	"		3
Ditto coffee & fruit		6	1	"	A. L.	16
Ditto do & do.		5	2	"		19
Ditto do & do		6	2	"		19
Ditto cegars & fruit		6	1	"		14
Same cargo		6	1	July		31
Sugar, molasses & fruit		6	2	August		15
Coals.		9	3	"		1
Sugar		5	1	"		3
Ditto & Coffee		7	2	September		30
Sugar, cegars, sundage		6	2	August		10
Ditto honey, & cegars		4	2	"		15
Cork		7		"		10
		183	66			

Consular Return - continued.

General remarks.
Matanzas
Sold
Belize
New York
Africa, N. Hoyt Master
New York.
New Orleans
Boston
New Orleans
Portland
Matanzas
Coxes
Ditto
Bath
Boston
Savannah
Portland
Boston
New Orleans
Ditto
Ditto
New Orleans
New York
Key West
Ditto
Baltimore
New York
Boston
Philadelphia
Key West.

Consular Return - continued.

Date of arrival	Class	Name	Burthen	Master	Crew in American	Crew in Foreigners	Where from
Aug. 1	Brig	Eleanor	110	E. Hall	6	1	Philadelphia
" "	Schoon	Triumph	95	J. Chase	4	5	New Orleans
" "	Brig	Lancet	150	H. P. Bangs	8	2	Charleston
" "	Ditto	System	127	J. B. Murray	7	1	New York
" "	Ditto	Rival	214	J. M. Churchill	8	1	Portland
" "	Ditto	Orono	149	J. Melcher	4	2	Ditto
" "	Ditto	Constancia	148	J. Patten	6	2	Portsmouth
" 2	Schoon.	Wm Mary	77	Wm. Taylor	6	2	Key West
" "	Brig	Vermont	152	J. P. Martin	5	2	Warren
" 3	Bark	Moro Castle	256	P. C. Dumas	10	2	New Orleans
" "	Ship	Venus	466	H. Wallace	5	14	Baltimore
" 5	Ditto	St Mary	444	Wm. H. Foster	14	3	New York
" "	Brig	Pr B. Blount	120	J. Pederson	6	1	Ditto
" "	Ditto	Jn Ann Alley	157	P. Straw	7		Boston
" "	Ditto	Two Sisters	122	M. H. Parkinson	6	1	Ditto
" "	Schoon	Shark	129	A. Richard	2	6	Baltimore
" "	Brig	Pastora	174	J. N. Farwell	9	2	New Orleans
" 6	Ditto	Ventrosa	195	J. Cutter	8	2	Boston
" "	Schoon	Euphrates	85	J. Dutchart	1	5	Matanzas
" "	Brig	Howell	109	J. Knust	8		Charleston
" 7	Ditto	Bromo	153	M. Howe	3	4	Montevideo
" "	Ditto	Export	246	C. M. Merrill	8	2	Boston
" 8	Ditto	Levant	184	J. Handy	7	1	Baltimore
" 9	Ditto	Lunar	281	J. M. Manus	3	7	Liverpool
" 10	Ditto	Dolphin	117	J. F. Caise	1	7	Matanzas
" "	Ditto	Mary Jane	164	J. R. Brown	9	1	New York
" 11	Ship	Lloyd	233	D Mountfort	9		Curaroa
" "	Brig	Alvara	128	M. Springer	6	1	New Orleans
" "	Ditto	Susan	133	M. Gay	6	1	Baltimore
" "	Ditto	Alpha	122	W. Thomas	6	3	New Orleans
" "	Ditto	Samuel	160	W. R. Bartlet	8		Matanzas
			5400		196	81	

Where belonging	Ports Touched at	Cargo inward	Value of inward cargo	Amount
Philadelphia		Flour merchandise &c		
Wilmington		Tobacco & corn.		
Charleston		Rice, cotton &c.		
New York		Dry goods &c.		
Portland		Lumber.		
Ditto		Ditto.		
Portsmouth		Ditto		
New Orleans		Corn.		
Warren		Hhds. hoops &c.		
New Orleans		Cotton & slaves.		
Baltimore		Flour bricks &c.		
New York		Merchandise.		
Ditto		Ditto & rice		
Boston		Shooks. specie &c		
Salem		Dry goods, furniture &c.		
Baltimore		Ballast.		
Boston		Lard corn &c		
Ditto		Gun powder, &c		
Baltimore		Ballast &c		
Charleston		Rice.		
New York		Jerked beef.		
Kennebunk		Lumber &c		
Boston		Flour.		
New York		Merchandise.		
Baltimore		Rum.		
New York		Merchandise.		
Portland		Salt.		
Mobile		Lard, flour & corn.		
Boston		Provissions.		
Charleston		Lard, cotton, flour.		
Boston		Lumber.		

Return - continued.

Cargo outward	Value of outward	Crew out		Date of departure	
Molasses, sugar & honey.		6	1	August	15
Ballast.		4	5	"	21
Sugar.		8	2	"	10
Sugar honey & cegars.		7	1	"	15
Molasses.		8	1	"	31
Ditto		4	2	September	12
Molasses		6	2	August	23
Sugar fruit cegars		5	3	"	11
Molasses.		5	2	"	18
Same cargo.		10	2	"	4
Merchandise		4	15	"	23
Same cargo.		14	3	"	11
Molasses, sugar &		6	1	" P. B. Bonnet	17
Ditto & do		7		September	27
Sugar		6	1	August	16
Gun powder dry goods &		2	17	"	30
Sugar coffee & c		9	2	"	18
Molasses		8	2	"	29
Sugar & cegars		4	2	"	23
Ditto molasses & c		8		"	17
Same cargo.		3	3	"	10
Ballast		8	2	"	22
Ditto.		7	1	"	19
Sugar.		4	6	"	30
Gun powder, dry goods		1	8	"	20
Do & Ditto		9	1	"	30
Molasses		9		September	7
Sugar, coffee, cegars &		6	1	August	26
Sugar.		6	1	"	21
Molasses. cegars &		6	3	"	26
Ditto & do		8		"	31
		198	90		

Where belonging	Ports touched at	Cargo inward	Value of inward cargo	Amount
Philadelphia		Flour merchandise &c		
Wilmington		Tobacco & corn.		
Charleston		Rice, cotton &c.		
New York		Dry goods &c.		
Portland		Lumber.		
Ditto		Ditto.		
Portsmouth		Ditto		
New Orleans		Corn.		
Warren		Hhds. hoops &c.		
New Orleans		Cotton & staves.		
Baltimore		Flour bread &c.		
New York		Merchandise.		
Ditto		Ditto Rice		
Boston		Shooks, specie &c		
Salem		Dry goods, furniture &c.		
Baltimore		Ballast.		
Boston		Lard corn &c		
Ditto		Gun powder, &c		
Baltimore		Ballast		
Charleston		Rice.		
New York		Jerked beef.		
Kennebunk		Lumber &c		
Boston		Flour.		
New York		Merchandise.		
Baltimore		Rum.		
New York		Merchandise.		
Portland		Salt.		
Mobile		Lard, flour & corn.		
Boston		Provissions.		
Charleston		Lard, cotton, flour.		
Boston		Lumber.		

Return - continued.

Cargo outward	Value of outward	Crew out		Date of departure	
Molasses, sugar & honey.		6	1	August	15
Ballast.		4	5	"	21
Sugar.		8	2	"	10.
Sugar honey & cegars.		7	1	"	15
Molasses.		8	1	"	31
Ditto		4	2	September	12
Molasses		6	2	August	23
Sugar fruit cegars		5	3	"	11
Molasses.		5	2	"	18
Same cargo.		10	2	"	4
Merchandise		4	15	"	23
Same cargo.		14	3	"	11
Molasses, sugar &c		6	1	" P. B. Vincent	17
Ditto & do		7		September	27
Sugar		6	1	August	16
Gun powder dry goods &c		2	17	"	30
Sugar coffee &c		9	2	"	18
Molasses		8	2	"	29
Sugar & cegars		4	2	"	23
Ditto molasses &c		8		"	17
Same cargo.		3	3	"	10
Ballast		8	2	"	22
Ditto.		7	1	"	19
Sugar.		4	6	"	30
Gun powder, dry goods		1	8	"	20
Do & Ditto.		9	1	"	30
Molasses		9		September	7
Sugar, coffee, cegars &c		6	1	August	26
Sugar		6	1	"	21
Molasses. cegars &c		6	3	"	26
Ditto & do		8		"	31
		198	90		

Consular Return - continued.

General remarks
Philadelphia
Matanzas
Ditto
New York
Portland
Boston
Portsmouth
New Orleans
Warren
Bordeaux
Africa W.m Phillips Master
New Orleans
New York
Boston W.m Bowden Master
New Orleans
Africa
New Orleans
Matanzas
Baltimore
Charleston
Malanzas
Ditto
Ditto
Cowes J. Doughty Master
Africa
Ditto
Portland
New Orleans
Baltimore
Charleston
Boston.

Consular Return – continued

Date of Arrival	Class	Name	Burthen	Master	Crew in: Americans	Crew in: Foreigners	Where From
Aug 14	Schoon	Portugal	91	I. McMeyer	1	5	Matamas
" "	Ditto	N. America	86	D. Hunter	4	3	Baltimore
" 16	Ditto	Guat. Packet	84	H. Etchberger	8	.	Belize
" "	Ditto	Emily Elliot	96	I. Kirby	5	1	Baltimore
" "	Brig	Dante	218	G. L. Hanewood	6	2	Portland
" "	Schoon	Geo. W. Welter	88	I. G. Lennon	5	2	Savannah
" "	Ditto	Lyd. Adams	97	W. L. Weems	4	1	Mobile
" 18	Ship	Norma	293	I. S. Gardner	10	2	New York
" 20	Brig	Geo. Turner	217	W. Hunt	6	2	Bath
" "	Ditto	McLellan	264	N. Larabee	7	2	Ditto
" 21	Ditto	Orb	248	N Blake	6	2	Portland
" "	Ditto	Ivanhoe	193	G. Almy	6	1	New Orleans
" "	Schoon	Henry Clay	55	A. Rogers	5		Mobile
" 22	Ditto	Abigail	68	D. B. Vincent	7		Charleston
" "	Ditto	Emeline	87	E. Smith	6		New Orleans
" 23	Brig	William	153	I. Sloman	6	1	Pensacola
" 25	Schoon	Caledonian	96	I. W. Potter	5	1	Ditto
" "	Brig	J. C. Calhoun	117	I. Ross	5	2	Charleston
" "	Bark	Wm. Y. Francis	226	P. Flowery	9	4	New York
" 26	Brig	Topar	163	W. Clifford	8		Ditto
" "	Schoon	Virginia	58	I. Oldham	4	1	Key West
" "	Ditto	Th. Hall	96	I. Gladding	4	1	Bristol
" "	Brig	Canabassett	231	G. Phinc	7	2	Portland
" "	Ditto	Argaile	156	L. D. Shaw	5	3	Wilmington/N.C.
" 28	Schoon	Panchita	71	I. Azena	1	8	Campeachi
" "	Ditto	Hyder Ally	93	I. Ximenez	7	1	Key West
" 29	Brig	Otis	146	I. I. Nobre	6	2	Philadelphia
" "	Schoon	Barton	94	I. Darling	5		Bristol
Sept 1	Brig	Cynosure	231	I. Simpson	10		Boston
" 3	Schoon	Three Sisters	73	I. A. Smith	5	2	Matagorda
" 5	Brig	Comet	118	H. Dickenson	7	3	New Orleans
"	Schoon	Mozart	129	A. Thayer	4	2	Mobile
			4434		184	56	

Where belonging	Ports touched at	Cargo inward	Value of inward	Am't of cargo la
Baltimore		Ballast.		
Ditto		Assorted.		
Ditto		Hides indigo & Specie		
Ditto		Flour corn &c		
Portland		Lumber.		
Baltimore		Rice & beans		
Boston		Lumber		
New York		Dry goods, furniture &c		
Portland		Lumber		
Bath		Ditto		
Portland		Ditto		
New Orleans		Lard &c.		
Mobile		Lumber		
Charleston		Rice.		
Boston		Flour, corn, cocoa &c.		
Ditto		Lumber.		
Jersy City		Ditto.		
Charleston		Rice.		
New York		Assorted.		
Ditto		Ditto.		
Baltimore		Ballast.		
Bristol		Onions hoops &c.		
Portland		Lumber.		
Wilmington		Ditto.		
New Orleans		Bags, ropes leather &c		
Key West		Ballast		
Philadelphia		Onions bread &c		
Bristol		Ditto & hoops		
Boston		Lumber		
Hudson		Ballast		
New Orleans		Tobacco		
Duxbury		Lumber		

Return – continued.

Cargo outward	Value of outward	Crew out		Date of departure	
Sugar.		4	2	September	2
Same cargo		4	3	August	17
Sugar, coffee, rum & wax		5	3	September	24
Sugar		5	1	August	25
Molasses		5	3	September	8
Sugar & Cegars. Sold		5	2	August	25
Sugar, cegars, & skins.		9	3	August	30
Molasses		6	2	September	8
Ditto & Sugar		8	2	"	20
Molasses.		6	2	"	27
Sugar. coffee cegars & fruit		6	1	"	11
D° D° & d°		5		August	31
Sugar &		7		"	25
Molasses.		6		September	12
Ditto & Sugar		4	2	October	13
Sugar. coffee &c		5	1	September	6
Molasses		5	2	"	4
Sugar, honey &c		9	4	"	11
Ditto Ditto		8		"	11
Sold.				"	18
Molasses.		4	1	"	6
Ditto & Sugar		7	2	"	26
Ballast.		5	3	"	6
Ditto		1	8	August	31
Sugar. coffee & fruit		7	1	September	8
Ditto d° & d°		6	2	"	19
Molasses.		5		"	8
Ditto & Sugar.		10		October	2
Ballast		5	2	September	4
Gun powder tobacco &		7	3	"	20
Ballast		4	2	"	16
		173	57		

Consular Return continued:

General remarks.
Baltimore
New Orleans
Honduras
Baltimore
Boston
Baltimore
Sold & brothers up.
New York
Boston
Ditto
Ditto Orleans
New Orleans
Mobile
Charleston
Boston
New York
New Orleans
Charleston
New York
Ditto
Sold
Bristol
Boston
Matanzas
Belize
New Orleans (J. Bethell Master)
Philadelphia
Bristol
Boston
New York
Africa
Matanzas

Consular Return - continued.

Date of arrival	Class	Name	Burthen	Master	Crew in		Where from
					Amer icans	Fore gners	
Sept. 6	Schoon	Diadem	94	H. B. Jagues	6	3	New Orleans
" 7	Brig	Chas Wells	180	N. W. Clark	6	2	Boston
" "	Schoon	Harard	122	E. Bailey	5	2	Baltimore
" "	Ditto	Rebecca	141	F. Neill	5	2	Savannah
" 10	Brig	Leonidas	128	S. Palmer	6	2	Boston
" "	Schoon	Clara	97	W. W. Huffington	1	5	St Iago (Cuba)
" "	Brig	Chas Carroll	140	G. W. Vanslavoren	6	2	New Orleans
" 13	Bark	Rapid	189	B. L. Ward	10	2	New York
" "	Brig	Bogota	155	W. H. Phister	6	3	Key West
" "	Ditto	Sublime	250	J. B. Tolford	9		Portland
" 15	Ship	India	184	R. Adams	10	1	New York
" 18	Schoon	Eagle	80	R. Wyllie	6		New Port
" "	Brig	Catherine	131	W. P. Rose	7	1	Charleston
" 20	Ditto	Wm Davis	173	J. Cornish	6	2	Marseilles
" "	Schoon	Leontine	82	F. Kelly	4	1	Savannah
" "	Brig	A. E.	97	C. F. Driscol	6		New Orleans
" "	Ditto	Brutus	187	J. L. Little	7	1	Portland
" "	Ditto	Augusta	147	O. Perkins	6	1	Boston
" 22	Ditto	Catherine	122	H. Merrill	5	2	New Orleans
" "	Ditto	Alpha	122	W. Thomas	8		Charleston
" "	Ditto	Lancet	150	W. P. Bangs	9		Ditto
" 24	Schoon	Vesper	98	E. B. Jenkins	5	2	St Josephs
" 25	Brig	Pastora	171	J. N. Farwell	8	3	New Orleans
" "	Ship	Tiger	312	W Hart	12	1	Liverpool
" 26	Brig	Sally B. Bland	121	J. Pederson	7	1	New York
" "	Ditto	Lapwing	200	E. Wilcox	9		Bath
" 28	Ditto	Wm Ellis	132	J. Gordon	5	2	Portland
" "	Schoon	Euphrates	85	T. Duckehart	6	1	Baltimore
" 29	Ditto	Venus	83	J. R. Wilbur	5	2	New Orleans
" "	Ditto	Porto Rico	138	C. Adams	5	1	St Kits
			4309		186	45	

Where belonging	Ports touched at	Cargo inward	Value of inward	Amount cargo [illegible]
Grand Calhoa		Lard, flour &c		
Boston		Gun powder dry goods		
Baltimore		Flour, lard &c		
Ditto		Rice & bread		
Ditto		Fish, candles &c		
Ditto		Ballast		
New York		Flour tobacco &c.		
Ditto		Dry goods, bark &c		
Ditto		Lard.		
Portland		Lumber.		
New York		Dry goods, iron &c.		
New Port		Potatoes, onions &.		
Charleston		Rice.		
Plymouth		Wine oil, soap &.		
Wells [illegible]		Rice & lumber.		
Baltimore		Tobacco & flour.		
Portland		Lumber.		
Boston		Fish, gunpowder dry goods		
New York		Flour, lard. &c		
Charleston		Rice		
Ditto		Ditto		
St Josephs		Ballast		
Boston		Tobacco & lard		
Ditto		Assorted		
New York		Flour, lard, bread &c		
Bath		Lumber		
Portland		Ditto		
Baltimore		Flour, cocoa &c		
New Orleans		Flour		
Bangor		Salt		

Return – continued.

Cargo outward	Value of outward	Crew out Americans	Crew out Foreigners	Date of departure
Sugar, coffee, cegars &c		6	3	September 21
Ditto & ditto		6	2	" 27
Merchandise.		1	14	October 10
Molasses, sugar &c.		5	2	September 16
Sugar & coffee.		6	2	" 19
Merchandise.		3	5	November 11
Sugar, coffee cegars fruit		6	2	September 19
Ditto & d° & fruit		10	2	" 26
Ditto & d° &		6	3	" 27
Ditto & d° &		9		October 16
Ditto, honey & d°		9	3	" 17
Ditto & cegars		6		September 23
Molasses & fruit		7	1	" 26
Sugar, cegars &c		6	2	October 12
Molasses sugar &c		4	2	" 12
Sugar, coffee, cegars &c		6	2	September 30
Ditto & d° &		7	1	October 16
Molasses & sugar		6	1	" 14
Sugar, coffee &c		5	2	" 10
Ditto & cegars &c		8		" 11
Ballast		6		September 30
Fruit		5	2	October 1
Sugar, coffee & tobacco		8	3	" 18
Ballast		9	4	December 23
Sugar & cegars		8	1	October 7
D° & molasses		9		" 26
Molasses		5	2	" 16
Sugar cegars & fruit		6	1	" 13
Molasses		3	1	October 17
		183	63	

Consular Return - continued

General remarks.
New Orleans
New York
St Thome
Savannah
Boston
Africa
New Orleans
New York.
New Orleans
Boston
New York
Baltimore
Charleston
New York
Savannah
New Orleans
New York
Charleston
Ditto
St Joseph's
New Orleans
Mobile
New York
Boston
Ditto
Baltimore
In port
Boston

Consular Return – continued

Date of Arrival	Class	Name	Burthen	Master	Crew in Americans	Crew in Foreigners	Where from
Sept. 29	Schoon	Panchita	71	I. Alzina	2	7	Campeachi
"	Ditto	Junius	50	W. Flanders	6		St. Mark's
"	Brig	Benjamin	122	W. M. Otis	6	1	Bath
"	Ditto	Poland	149	R. P. Gardner	6	1	New Port
Oct. 1	Schoon	M. Washington	70	E. Floyd	5		Key West
"	Brig	Oriental	195	W. W. Hatch	7	1	New Orleans
" 6	Schoon	Hannah	233	T. L. Bass	7	1	Boston
"	Ditto	Sarah Ann	97	J. Bontemps	5	2	New Orleans
" 7	Ditto	Liberty	73	L. Russel	6	1	Ditto
"	Ditto	Rebecca	141	F. Neill	6	1	Savannah
"	Brig	Ring Leader	99	J. J. Hoffman	5	2	New Orleans
"	Ditto	Alvara	128	M. Springer	6	1	Ditto
"	Ditto	Commerce	151	J. C. Trott	6	1	Bath
"	Steamer	Natchez	793	W. W. Storey	22	10	Norfolk
" 8	Bark	Duc D'Orleans	310	J. B. Whippy	9	4	Liverpool
"	Schoon	Jas. Sears	146	J. Pease	7		New Orleans
"	Brig	Thoosa	111	M. Powers	6	1	Salem
"	Schoon	Wm. Mary	77	W. Taylor	5	1	St. Joseph's
" 9	Ditto	Wilmington	133	D. Woodside	5	1	Mobile
" 11	Ditto	Thames	106	J. W. Sawyer	5		Charleston
" 12	Brig	Delaware	117	J. Ross	7		Ditto
"	Ship	Chris. Colon	340	B. Smith	14	2	New York
"	Schoon	Atlantic	133	J. H. M. Crilly	5	2	Norfolk
"	Ditto	St. Carolina	91	H. Shippey	6		Charleston
" 13	Ditto	Caledonia	94	J. W. Potter	6	1	New Orleans
"	Brig	New York	146	A. Goodrich	6	1	Bath
" 14	Schoon	Henry Clay	55	A. Rogers	5		Mobile
" 15	Brig	Freighter	214	J. Wilson	7	1	Portland
" 16	Ship	St. Thomas	228	H. Halderme	11		New York
"	Brig	Ellsworth	247	J. B. Homer	7	2	Boston
"	Ditto	Helen	138	H. Hooper Jr	6	1	Norfolk.
			5056		212	46	

Where belonging	Ports touched at-	Cargo inward.	Value of inward	Amount cargo la
New Orleans		Logwood & wine.		
Ditto		Ballast.		
Brunswick		Lumber		
New Port		Onions potatoes &c		
Key West		Lumber.		
New Orleans		Flour.		
New Port		Fish, rice &c.		
New Orleans		Flour.		
Ditto	✓	Ditto		
Baltimore		Rice		
New Orleans		Lard.		
Mobile		Flour & tobacco		
Bath		Lumber & potatoes		
Baltimore		Assorted.		
New York		Ditto		
Philadelphia		Cocoa, tobacco &c		
Marblehead		Fish, rice &c.		
New Orleans		Ballast.		
New York		Lumber.		
Cumberland		Rice		
Charleston		Ditto		
New York		Assorted.		
Boston		Wood		
Charleston		Rice.		
Jersy City		Lard, pork, & tobacco		
Harpswell		Lumber		
Mobile		Ditto		
Portland		Ditto		
New York		Assorted		
Boston		Fish. Hhls &c		
Dresden		Wood		

Return - continued.

Cargo outward	Value of outward	Crew out Americans	Crew out Foreign	Date of departure	
Merchandise.		2	7	October	8th
Cegars & fruit.		6		"	3
Molasses.		6	1	"	17
Sugar & cegars.		6	1	"	14
Ballast.		5		"	19
Sugar & fruit.		7	1	"	13
Ditto & ditto.		7	1		19
Assorted.		5	2		28
Ditto.	✓	2	13	December	3
Sugar, coffee & cegars.		6	1	October	21
Ditto d° & d°.		6	2	"	28
Ditto & fruit.		5	2	"	19
Ditto & cegars.		6	1	"	20
Same cargo.		22	10	"	9
Sugar.		9	4	November	15
Ditto & tobacco.		7		October	17
Molasses.		6	1	"	26
Brandy, wine, & cegars		4	2	"	18
Ballast & fruit		5	1	"	21
Molasses, sugar & fruit		5		"	23
Ditto d° & coffee		7		"	26
Sugar, coffee & tobacco		12	3	"	30
Ballast.		5	2	"	19
Molasses, cegars &c.		4	2	November	11
Coffee & fruit		6	1	"	4
Molasses		6	1	"	4
Coffee. sugar & fruit		5		October	26
Molasses.		7	1	November	8
Sugar. cegars &c		10	1	"	15
Ditto d° d°		7	2	"	8
Ditto & coffee		6	1	October	27
		202	64		

Consular Return — continued

General remarks
Campeachi
St Marks
Boston
Baltimore
Key West
New York
Philadelphia
New Orleans
Rio Pongo, Paul Faber Master
Baltimore
New Orleans
Philadelphia
Baltimore
New Orleans
Matanzas
Philadelphia
Boston
New York
New Orleans
Charleston
Ditto
New York
Pensacola
Charleston
New Orleans
Boston
Mobile
Boston
New York
Boston
Pensacola

Consular Return - continued.

Date of arrival	Class	Name	Burthen	Master	Crew in: Americans	Crew in: Foreigners	Where from
October 18	Ship	Cabinet	303	B. Berry	12	2	Hamburg
" "	Brig	Smyrna	163	D. Stanwood	3	6	Boston
" 19	Schoon	Virgil	52	J. H. Conklin	4	2	New Orleans
" "	Sloop	Caroline	74	W. S. Barker	4	1	New Port
" "	Boat	Little John	9	J. Warren	4		Key West
" "	Brig	Ceres	176	J. V. Robbins	8	1	St. Johns (N.F)
" "	Ditto	Cervantes	231	F. Insley	9	1	Bath
" 20	Ship	Rosanna	284	G. Chason	8	8	St. Petersburg
" "	Ditto	Mexican	226	L. B. Barlow	6	7	Guyaquil
" 21	Bark	Gardiner	267	B. Ritchie	3	9	Matanzas
" "	Brig	Saunders	196	H. Staats	7	2	Fernandina
" 22	Ditto	Catherine	131	W. P. Rose	6	2	Charleston
" "	Ditto	Ivanhoe	193	J. Almy	6	2	New Orleans
" "	Ditto	Tallmadge	139	A. Vening	7	1	Portland
" "	Schoon	Wm. Archer	127	J. Wolston	6		Bath
" 23	Brig	Forest	220	P. G. Winslow	9		Portland
" "	Bark	Highlander	236	H. H. Bacon	8	2	Boston
" "	Brig	Leander	223	J. S. Kimball	9	3	Montevideo
" 24	Ditto	Caroline	209	J. E. Edmonds	7	1	Portland
" "	Schoon	Gen. Lamar	81	W. H. Hussings	4	1	Baltimore
" "	Ditto	Adventure	122	E. Taylor	5	2	Mobile
" "	Brig	East Star	231	C. W. Denison	6	2	Portland
" 25	Ditto	Rob Adams	200	W. F. Hunter	11		New York
" 26	Ditto	Clinton	173	J. Cole	6	1	Bangor
" "	Schoon	J. Madison	40	P. Brenarde	4		Mobile
" 27	Brig	System	127	J. B. Murray	7		New York
" "	Schoon	Fra Amy	98	H. Ashby	6		Matanzas
" 29	Brig	Elizabeth	219	E. D. Choate	7	2	Boston
" "	Bark	Roy Williams	194	J. H. Ahlers	8	2	Ditto
" 31	Brig	Morris Cooper	190	J. Smith	7	2	Philadelphia
Nov 1	Ditto	Washington	107	E. Evans	6	1	Boston
			5241		203	63	

Where belonging	Ports touched at	Cargo inward.	Value of inward	Amount cargo last
Boston		Ballast.		
Ditto		Gun powder, fish &c.		
Baltimore		Lard.		
New Port		Potatoes, onions &c		
St. Marks		Ballast.		
Boston		Codfish.		
New York		Lumber.		
Providence		Spars, candles, duck.		
New York		Cocoa.		
Ditto		Ballast.		
Philadelphia		Copper ore & cedar.		
Charleston		Rice.		
New Orleans		Cotton.		
Portland	St. Thomas	Lumber.		
Bath		Ditto.		
Portland		Ditto.		
Providence		Fish. Lard &c		
Salem		Jerked-beef.		
Portland		Lumber.		
Baltimore		Lard & pork		
Mobile		Lumber		
Portland		Ditto		
New York		Assorted		
Bangor		Lumber & potatoes		
Baltimore		Rice & beans.		
New York		Assorted.		
Groton		Flour & lard.		
Boston		Lumber, fish &c.		
Providence		Assorted.		
Philadelphia		Ditto.		
Marblehead		Fish, candles &c		

Return continued.

Cargo outward	Value of outward	Crew out Men	Crew out Boys	Date of departure
Sold.				October 28th
Ditto.				November 2d
Molasses.		4	1	October 30th
Fruit.		5		November 6
Molasses.		6	3	" 20
Copper ore & Sugar.		9	1	" 27
Molasses		9	5	December 26
Sugar cegars & fruit.		9	4	November 16
Ballast.		6	4	" 14
Sold.				" 15
Molasses & sugar.		6	2	" 15
Sugar, cegars & fruit.		8	2	" 7
Molasses.		7	1	" 11
Fruit.		6		" 7
Molasses.		9		" 24
Coffee, cegars & fruit.		8	2	" 25
Molasses.		7	1	November 24
Sold.				" 20
Coffee & fruit.		3	2	December 7
Molasses.		6	2	" 5
Sugar, tobacco &c		10	1	November 27
Molasses.		6	1	" 17
Coffee & fruit		4		" 2
Sugar & tobacco		5	2	" 8
Ballast		6		December 2d
Molasses		7	2	November 27
Coffee & fruit		6	3	December 2
Molasses. sug. & Coffee		6	1	November 20
		160	40	

Consular Return - continued.

General remarks
In Port
Sold
Ditto
New York
Key West
Matamras
New York
Boston
New York
Matanzas
Sold
Charleston
New Orleans
Portland
Mobile
Portland
New Orleans
In Port
Boston
Sold
Mobile
Portland
New York
Boston
Mobile
New York
Belize
Boston
In port
New Orleans
Savannah

Consular Return – continued.

Date of arrival	Class	Name	Burthen	Master	Crew in Americans	Crew in Foreigners	Where from
Nov. 1	Brig	Essex	183	L. Mitchell	8		Portland
" "	Ditto	Alpha	122	W. Thomas	9		Charleston
" "	Ditto	Maryland	100	L. Stevens	5	2	Mobile
" 4	Schoon	Levin Jones	90	H. B. Webster	7		New Orleans
" 5	Brig	Topaz	163	W. E. Clifford	9		New York
" "	Ditto	Howse	212	S. Cady	8	2	Providence
" 6	Ditto	Jos. Turner	217	W. Hunt	6	2	Portland
" "	Ditto	N. Ironing	190	D. Landon	8	1	New Orleans
" "	Ditto	A. E.	97	C. F. Driscol	4	2	Ditto
" 7	Schoon	Panchita	71	J. Atzina	2	7	Campeachi
" "	Ditto	Gual.a Packet	84	J. Etchberger	5	2	Belize
" 8	Ditto	Belle	11	W Martin	2	1	Galveston
" "	Ditto	Hancox	59	J. Ximenez	5	1	Key West
" "	Bark	Wm. Francis	226	P. Flowery	10	3	New York
" 9	Ship	New Orleans	389	C. B. Bradbury	5	11	Liverpool
" 10	Schoon	Mary	99	D. McCurdy	4	1	Mobile
" 11	Brig	Onzaba	130	C. Davis	5	2	Boston
" "	Ditto	Alcinus	188	T. Skofield	6	2	Portland
" 13	Ship	Norma	293	D. B. Barton	12	2	New York
" 15	Schoon	Concord	114	E. P. Coe	6	2	New Port
" "	Brig	Douglas	210	A. Baker	8	2	Boston
" "	Ditto	Ventosa	195	S. Cutter	7	2	Ditto
" 16	Ditto	Vermont	152	S. P. Marter	5	2	Warren
" "	Schoon	Euphrates	85	T. Dutchart	5	1	Baltimore
" "	Brig	Enterprize	166	S. P. Clifford	8		Providence
" 17	Ditto	Susan	133	M. Gay	6	1	Boston
" "	Ditto	Sarah & Ally	158	W Bowden	7	2	Ditto
" "	Schoon	Eagle	80	R. Wyllie	4	1	New Port
" "	Ditto	Hope & Susan	74	C. M. Folger	4	1	New Orleans
" 19	Ditto	Texas	85	J. H. Hawkes	4	3	New Port
" "	Ditto	Frank Ives	115	B. Waite Jr	6	1	Ditto
"	Brig	Gambia	154	B. Shillaber	6		Salem
			4675		196	69	

Where belonging	Ports touched at	Cargo inward	Value of inward	Amount cargo la
Portland		Lumber.		
Charleston		Rice.		
Mobile		Lumber.		
New Orleans		Lard. cocoa & bread.		
New York		Hats, apples, &c.		
Providence		Ditto, onions &c.		
Portland		Lumber.		
New Orleans		Flour & Lard.		
Baltimore		Ditto & do.		
New Orleans		Logwood.		
Baltimore		Hides, specie &c.		
Cincinnati		Lard &c.		
Key West		Ballast.		
New York		Assorted.		
Boston		Ditto.		
Dorchester		Lumber.		
Gloucester		Fish, candles, shovels		
Harpswell		Lumber.		
New York		Assorted.		
New Port		Hoops, candles &c.		
Duxbury		Hats, hams. candles		
Boston		Gun powder, fish &c		
Warren		Hats, potatoes &c		
Baltimore		Flour. cocoa &c		
Providence		Hoops, potatoes &		
Boston		Fish, candles &c		
Ditto		Ditto & lumber		
New Port		Onions potatoes		
Nantucket		Oil.		
New Port	Matanzas	Hats, hoops & lumber		
Ditto		Hoops. spars & candles		
Salem		Fish		

Return - continued

Cargo outward	Value of outward	Crew out: Men years	Crew out: Boys	Date of departure	
Molasses.		8		November	24
Coffee & fruit.		9		"	10
Ditto & do		5	2	"	22
Sugar & cegars		8	1	"	14
Ditto do & molasses		9		December	9
Coffee cegars & fruit		7	3	"	16
Ditto do & do		6	2	"	20
Ditto do & do		8	1	November	29
Fruit.		2	7	November	27
Assorted.		5	2	"	30
Fruit.		2	1	December	5
Sold				November	16
Sugar honey & cegars		10	3	December	6
Coffee & fruit		4	1	December	2
Ballast & fruit		6	2	December	7
Sugar. coffee & cegars		12	2	.	16
Sugar. cegars & fruit		8	2	December	31
Molasses		7	2	.	12
Ditto		5	2	.	19
Merchandize	✓	1	9	"	7
Coffee & fruit		8		"	8
Ditto, do & cegars		6	1	"	13
Molasses		6	3	.	8
Coffee. cegars & fruit		4	1	.	7
Ballast		4	1	.	2
Sold					
Coffee & fruit		6	1	December	15
		156	49		

Consular Return_ continued.

General remarks.
Portland
Charleston
Mobile
New Orleans
New York
New Orleans
Ditto
Ditto
In Port
New Orleans
Belize
New Orleans
Sold
New York
In Port
Mobile
In Port
St Marks
New York
In Port
New Orleans
Boston
Warren
Africa
Wilmington
New Orleans
Boston
Savannah
Belize
Sold
Savannah
In Port

Consular Return - continued

Date of Arrival	Class	Name	Burthen	Master	Crew in: Americans	Crew in: Foreigners	When from
Nov. 22	Schoon	White Oak	98	A. Wells	6		Pensacola
" 25	Brig	Patty B. Blount	121	J. Pederson	6	1	New York
" "	Schoon	Banner	93	E. J. Blise	4	2	Mobile
" 26	Ditto	Abotte	70	W. A. Hicklin	4	2	New Orleans
" "	Brig	Howell	109	D. S. Smith	6	1	Charleston
" "	Schoon	Fair Ameri	34	J. Walter	4		Key West
" 27	Brig	Dante	218	J. Blake	8		Portland
" 28	Bark	Rapid	189	R. L. Ward	10	2	New York
" 29	Schoon	Creole	98	L. Comier	7		Lagunas
" "	Ditto	Olivon	149	D. Melvin	7		Pensacola
" "	Brig	Falcon	166	A. Jones	9	1	Savannah
" "	Ditto	Audubon	130	P. Sabate	8	2	New Orleans
" "	Ditto	Homer	232	J. Nabb	1	8	Tampa
" "	Ditto	Otis	146	S. W. Sages	10		Philadelphia
Decemb 1	Schoon	Moro	124	A Blanchard	6		Norfolk
"	Brig	Jones	180	J. C. Edwards	4	3	New York
"	Ditto	Leonidas	128	J. Palmer	8		Boston
" 2	Ship	India	184	R. Adams	10	2	New York
" "	Schoon	Alligator	42	T. Lewis	4		St. Marks
"	Ditto	Wm T Sunier	87	J B. Conner	4	2	Baltimore
"	Ditto	Unit States	74	J Buchanen	4		Key West
" 3	Brig	Asia	208	R. Howell	5	2	Pensacola
"	Schoon	Atlanta	133	J. H. M Cilles	4	2	Ditto
" 4	Ditto	Rebecca	141	J. Neill	8	2	Baltimore
" 6	Brig	Chas Miller	228	G. M. Hatch	7	2	Portland
"	Ship	Jacob Pennell	548	C. Martin	6	13	Liverpool
" 8	Bark	Wallace	300	J. Thaxter	10	2	Boston
" "	Brig	Augusta	147	O. Perkins	6	1	Ditto
"	Schoon	Park	42	A. Draper	3	1	Savannah
" 9	Ditto	Hero	126	P. Morris	7		Campeachi
"	Ditto	Rosario	155	J. Taylor	6	1	Mobile
"	Brig	Oriental	195	W. H. Hatch	9		New York
			4895		201	52	

Where belonging	Ports touched at	Cargo inward	Value of inward	Amazn cargo la
Philadelphia		Lumber		
New York		Assorted.		
Hallowell		Lumber.		
New Orleans		Ballast.		
Charleston		Rice.		
Key West		Ballast.		
Portland		Lumber.		
New York		Assorted.		
New Orleans		Logwood.		
Waldoboro'		Wood.		
Savannah		Rice.		
New Orleans		Flour.		
Charleston		Ballast.		
Philadelphia		Assorted.		
Belfast		Wood.		
New York		Assorted.		
Baltimore		Ditto		
New York		Ditto		
Folly Landing		Wood.		
Baltimore		Flour		
Key West		Ballast		
Thomaston		Wood.		
Boston		Ditto		
Baltimore		Flour & pork.		
Portland		Lumber.		
Brunswick		Assorted		
Boston		Fish, chains &c		
Ditto		Lumber & potatoes		
New Port		Onions & ditto		
New Orleans		Logwood.		
Boston		Lumber		
New Orleans		Assorted.		

Cargo outward	Value of outward	Crew out Americans	Crew out Foreign	Date of departure
Sugar, coffee, cegars & fruit		6		December 16
Same cargo (out).		6	1	" 28
Coffee & fruit.		4	2	" 6
Sold. –				" 18
Sugar, coffee, cegars & fruit.		6	1	" 16
Fruit.		4		" 12
Molasses		7	1	" 31
Logwood tobacco &c		9	3	" 23
Fruit.		7		December 12
Coffee & cegars.		9	1	" 16
Ditto & ditto		8	2	" 16
Sold.				
Sugar, coffee cegars		10		December 15
Ditto & ditto		6	1	" 19
Ballast.		4	3	" 22
Coffee cegars & fruit		4		December 11
Ballast.		1	1	" 22
Sold.				" 18
Fruit.		4	2	December 20
Ballast		6	1	December 25
Coffee, cegars & fruit.		3	1	" 20
Ballast		1		" 25
		111	26	

Consular Return - continued.

General remarks
Apalachicala
Wallis
New Orleans
Sold
Charleston
Key West
Boston
New York
In Port.
New Orleans
Savannah
New Orleans
Sold
Philadelphia
Norfolk
Laguna
In Port
Ditto
Apalachicola
Bahia (Brazil) Charles G. Rawlings Master.
Sold.
In Port.
Mobile
In Port
Ditto
Dito
Dito
New Orleans
Mobile
Vera Cruz.

Consular Return_ continued

Date of arrival	Class	Name	Burthen	Master	Crew in Americans	Crew in Foreign	Where From
Decemb 9	Brig	H. Tallman	156	W. C. Langdon	7	1	Bath
"	Schoon	Diadem	94	H. B. Jaques	7	2	New Orleans
" 10	Sloop	Com. Perry	49	J. Rider	4		Pensacola
" 11	Brig	Delaware	117	J. Ross	6	1	Charleston
"	Ditto	Pastora	174	J. N. Farwell	8	3	New Orleans
"	" Ditto	Chieftan	196	H. Crowell	6	2	Ditto
"	" Schoon	Caledonia	94	J. W. Potter	7		Ditto
"	" Ditto	M. Washington	70	W. H. Shaw	6		Key West
"	Brig	Thomas	195	J. S. Howell	1	18	Ditto
" 13	Ditto	Alpha	122	W. Thomas	9		Charleston
"	Schoon	Perry Spencer	79	D. Miguet	6		Mobile
"	" Ditto	Exit	73	W. Stewart	5		Apalachicola
"	Brig	Falco	211	H. Harlow	9	1	Boston
" 14	Ditto	Maryland	100	S. Stevens	5	2	Mobile
" 15	Ditto	William	166	J. C. Otis	6	1	Boston
" 16	Ditto	King Leader	99	J. J. Hoffman	5	3	New Orleans
"	" Ditto	Lincoln	191	B. F. Smith	8	1	Bath
"	Schoon	Lapwing	147	H. B. Smith	5	2	New Orleans
"	Ditto	Wm Archer	127	J. Wolston	6		Mobile
"	" Ditto	Wilmington	133	D. Woodside	5	2	Tobasco
"	Ditto	Eagle	75	T. J. Sawyer	5	1	New Orleans
" 17	Ditto	Levant	98	J. P. Lewis	6		St Thomas
" 18	Ditto	Swift	67	A. T. Ryan	4	1	New Orleans
"	" Ditto	Mary	94	C. A. Pope	5	1	Georgetown S.C.
"	" Ditto	F. A. Browne	43	W. G. Dewey	5		Key West
" 19	Ditto	Wm Tillary	77	W. Sayler	5	1	Sibara
" 21	Ditto	Volante	90	T. Cunningham	5		Apalachicola
"	" Bark	Hellespont	249	R. H. Ellis	12	3	New York
" 22	Schoon	W. Bayard	68	R. S. Hubbard	6	1	St Josephs
"	" Ditto	Richmond	100	J. R. Benjamin	6		New York
"	Brig	Houlton	153	W. Thompson	7		Bangor
"	Schoon	Rolla	99	J. Temall	3	1	Pensacola
			3706		190	48	

Where belonging.	Ports touched at	Cargo inward	Value of inward	Amou of cargo
Bath		Lumber.		
Grand Cubiau		Tobacco & Cotton.		
Providence		Lumber.		
Charleston		Rice.		
Boston		Flour & Lard.		
New York		Flour		
Jersey City		Flour & cotton		
Key West		Lumber.		
Havana		Ballast.		
Charleston		Rice.		
Mobile		Wood.		
Ditto		Potatoes &c.		
Duxbury		Fish, candles &c		
Mobile		Wood.		
Boston		Lumber, soap & candles		
New Orleans		Flour & Lard.		
Bath		Lumber.		
New York		Flour & oil.		
Bath		Wood.		
New York		Logwood.		
Groton		Yard.		
New York		Ballast		
New Orleans		Ditto		
Kennebunk	Nassau (NP)	Lumber		
Mystic		Ballast		
New Orleans		Ditto		
Boston		Hhds & oysters		
New York		Assorted		
Ditto		Wood		
New Haven		Assorted.		
Bangor		Lumber		
Portsmouth		Wood		

Return - continued.

Cargo outward	Value of outward	Crew out		Date of departure	
		Amer icans	Foreig ners		
Ballast.		7	1	December	21st
Coffee, cegars & fruit		7	2	"	22
Honey do. do.		4		"	25
Molasses & cegars		6	1	"	23
Sugar, cegars & fruit		6	2	December	25
Ballast		7		"	20
Coffee, sugar & fruit		6		"	24
Honey & cegars		6		December	20
Coffee & sheetmals		5		"	
Sugar, coffee & fruit		5	2	December	23
Fruit		4	1	December	22
Fruit		5		December	24
Fruit		6		December	30
		74	9		

Consular Return — continued.

General remarks
St. Marks
New Orleans
Mobile
Charleston
In Port
New Orleans
Key West
Ditto
In Port
Ditto
Mobile
Apalachicola
In Port
Mobile
In Port
"
"
"
"
"
"
New York
In Port
"
Key West
In Port
"
"
"
New York
In Port
"

Consular Return – continued

Date of Arrival	Class	Name	Burthen	Master	Crew in American	Crew in Foreign	Where From
Decem. 24	Brig	Fras. Ashby	125	S. W. Ashby	6	2	New Orleans
" 25	Ditto	Mor. Cooper	190	L. Smith	6	3	Ditto
" "	Ditto	Helen	138	H. Cooper	5	2	Pensacola
" "	Schoon	Wm Wallace	120	J. Gallagher	7		Mobile
" "	Ditto	Romp	107	E. Bourne	8		Georgetown S.C.
" 26	Ship	Cris. Colon	340	B. Smith	14	2	New York
" 27	Brig	Forest	171	T. Coggins	8		Boston
" "	Ditto	Envoy	263	J. C. Dunn	8	2	Matanzas
" "	Ditto	D. Webster	125	T. Adams	6	1	Charleston
" "	Schoon	Encantadora	114	C. Salvi	6	2	New Orleans
" "	Brig	Cap. Hauser	181	W. Carpenter	9		New York
" 31	Ditto	Washington	107	E. Evans	6		Savannah
" "	Bark	Clarion	226	J. W. Young	11		Philadelphia
	13	Vessels	2207		100	14	
	31	Vessels M	4834		184	50	
	30	Ditto	2	4362		191	57
	31	Ditto	3	5400		196	81
	32	Ditto	4	4434		184	56
	30	Ditto	5	4309		186	45
	31	Ditto	6	5056		212	46
	31	Ditto	7	5241		203	63
	32	Ditto	8	4675		196	69
	32	Ditto	9	4895		201	52
	32	Ditto	10	3796		190	48
	325			49209		2043	581
	45	Smacks		1392		223	
	370			50601		2266	581

Consulate

Where belonging	Ports touched at	Cargo inward	Value of inward	Amount cargo tons	C
New York		Lard.			
Philadelphia		Flour, pork & cotton			
Dresden Me		Wood.			
Philadelphia		Lumber			
Baltimore		Rice &c			
New York		Assorted			
Boston		Lumber.			
New York		Ballast & porter			
Charleston		Rice.			
New Orleans		Ballast.			
New York		Assorted			
Marblehead		Rice.			
Philadelphia		Assorted			

...eturn continued.

...an	Cargo outward	Value of outward	Crew out		Date of departure
			American	Foreign	

Consular Return — continued.

	General remarks.
New York	Sent
Philadelphia	Sent per Fort Preble
Lyons	Sent
Philadelphia	Sent
Portland	Sent
New York	Sent
Boston	Sent
New York	Sent per Pilot Knob
Charleston	Sent
New Orleans	Sent
New York	Sent
Portland	Sent
Philadelphia	Sent

Recapitulation and Notes.—

	Vessels.	Tonnage.	Mariners.	
			Am.	For.
Total arrived (a)	370	50601	2266	581
Total departed (b)	306.	40672	1621	534
Sold & flag changed	13	1283		
Remaining in Port	51	8646.		

(a) Of these arrivals, 45 were of fishing smacks engaged in bringing live fish from the fishing grounds on the coast of Florida.

(b) Of these departures, 45 were of fishing smacks.—

(c) This distinction between <u>american</u> & <u>foreign</u> mariners is known to every one to be purely nominal, and its sole effect consists in the commission of a few thousand perjuries every twelvemonth, and the favorable influences that this must have upon the moral standard among those concerned.—The practical operation of the law, as is known to every Ship-owner, every Ship-master, every Sailor, every Shipping notary, every boarding-officer in the United States, and to thousands of others besides, is, to require that two thirds of the crew shall consist, not of <u>American citizens</u>, or of individuals whom any one person in the noble world believes to possess that character, but of "<u>protected men</u>". Now every collector in the United States is bound by law to manufacture, to order, as many <u>Protections</u> as may be called for by an equal number of seamen "producing proof of citizenship according to law". The cost of production of these articles is limited by law to 25 cents a piece. Admitting, therefore,

for

for a moment that nothing in the same shape can be produced except by the one lawful process, originating with a genuine american citizen, and that consequently their proper market price cannot be depressed by any "inferior imitation", the highest point which that price can, under ordinary circumstances, reach is still within the range of calculation. They constitute a commodity of which every provident Sailor-landlord may naturally be expected to be careful to keep a stock on hand;— especially as, costing him often nothing but the trouble of picking up, and seldom more than a glass of grog, they are generally saleable at 50 cents, and will sometimes command a dollar or more, according to the urgency of the demand.—

These are the magical leaves, upon whose efficacy to convert a Briton or a Norwegian or a Swede into an American citizen, the instant he gets one in his pocket (or merely says he has, to the Shipping notary, who, wary as he may be in other respects, is as credulous as a very child upon this point,) our law exacts of our Ship-masters to pin their faith, and to swear by, under penalty of loss of employment, and starvation to themselves and their wives and children; while our Ship-owners must connive at and uphold the practice, and pay the Shipping Notaries for their agency in it, under the penalty of seeing their vessels rot at their moor

J. P. Hill.

Consulate of the U. S. of A.
Havana Dec.r 31. 1838.

Rec.d with Consul Trists N.o 83.

Consulate at Havana.

Consul N. P. Trist.

Half year ending Decemb.r 31.st 1838.

Statement of Fees.

Sum total of fees . . $4909 Dollars.

Consular statement of Fees.

Received at Havana by Nicholas P. Trist Consul, from the first day of July to the thirty first day of December 1838.

Names of Vessels	Names of parties for whom service is rend	Certificates			Oaths			Noting Protest	
		No	Amount		No	Amount			
Iner	The Master								
Atlas	Geo. Knight & Co	1	1	6	1		2		
Congress	The Master								1
Edgar	Ditto.	2	2		4	1			
Susan	Ditto.	4	7		4	1			1
Vesper	Geo. Knight & Co	1	1	6	1		2		
Howell	The Master	2	3	4	2		4		
Harvard	Ditto.	2	3	4	2		4		
Tripoli	Ditto.								
Hyperion	Geo. Knight & Co	1	1	6	1		2		
Elizabeth	De Coninck & Spalding	1	1	6	1		2		
Fleet	Fran[co] de Goyne & Co	2	3	4	2		4		
Gen[l] Glover	De Coninck & Spalding	1	1	6	1		2		
Hunter	Geo. Knight & Co	2	2	6	3		6		1
Mr Harris	Ditto	1	1	6	1		2		
Alpha	The Master	4	5	4	6	1	4		1
Lapwing	Geo. Knight & Co	1	1	6	1		2		
Virginia Packet	Fran[co] de Goyne & Co	1	1	6	1		2		1
Roland	Geo Knight & Co								
Napoleon	The Master.	1	1	6	1		2		1
[illegible] Packet	Ditto								
Bogota	Ditto	3	5	2	3		6		
Maryland	Castillo Nephews	1	1	6	1		2		
Dolphin	Cha[s] Drake & Co								
[illegible] Green	Geo Knight & Co								
Rodney	Ditto.	1	1	6	1		2		
Lion	The Master								1
Otis	Ditto	2	3	4	2		4		1
[illegible] Engs	Geo Knight & Co								1
[illegible] Calhoun	Cha[s] Drake & Co	2	3	4	2		4		1
			59.	2		$ 10.	2		$ 10

Consular statist

Depos. Ships papers	Surveys Registry &c	Copy of docum. from record	Extending Protest	Declarations		Powers of Attor		Certi	
				No	Amount	No	Amount	No	Amount
$ 4									
4									
4				1	$ 2.4				
4									
4									
4				

...tant of Fees — continued.

...ts & Charles	Passports		Record of documents ordered from Consulate		Certificates of Citizenship		Burial	Sum total received on this vessel
Amount	No	Amount	No	Amount	No	Amount		
								$ 4
								6
								7 4
								7 .
								13 .
								6
								8
								8
								4
								6
								6
								8
								6
								8 . 4
								6
								12 .
								6
								7
								4
								7
								4
								10
								6
								4
								4
								6
								34 4
								9
								16 4
								9
								243 .

Consular statement of Fees continued

General remarks on this vessel

1 certif invoice.

2 certif Debenture

4 certif invoices
1 d° d°
2 d° d°
2 d° d°

1 d° d°
1 d° d°
2 d° d°
1 d° d°
1 d° d° 1 certif Debenture
1 d° d°
2 d° d° 2 d° d°
1 d° d°
1 d° d°

1 d° d°

3 d° d°
1 d° d°

1 d° d°

2 voyages

2 d° d°

2 d° d°

Consular statement of Fees continued.

Names of vessels	Names of parties for whom services were rendered	Certificates		Oaths		Noting Protest
		No.	Amount	No.	Amount	
K Wilding	The Master					
is. Colon	Chas. Drake & Co.	27	$ 32.2	47	11.6	2
Tampico	Geo. Knight & Co.	4	7	4	1	
Comet	Chas. Drake & Co.	2	3 4	2	4	1
Humphrey	The Master					1
Catherine	De Conin & Spalding	2	3.4	2	4	3
Orbit	Geo. Knight & Co.	1	1.6	1	2	
Caroline	Custillo Nephews					
Prime	Geo. Knight & Co.	1	1.6	1	2	
Poacher	De Conin & Spalding	3	5 2	3	6	
adeowanda	Ditto					
Benjamin	Ditto.	3	5 2	3	6	1
Traveller	The Master					
Hannah	Geo Knight & Co.					
Ca Amy	The Master	9	15.6	9	2.2	2
America	Fce de Goyne & Co.	1	1.6	1	2	1
ily Taylor	Geo Knight & Co					
Franklin	Ditto					
Rouse	Ditto	5	8.6	5	1.2	
Augusta	The Master	2	3.4	2	4	2
India	Ditto	25	36.2	35	8.6	2
Vespasian	Geo. Knight & Co.					
ashmere	Ditto					
iental	The Master	9	12	14	3.4	1
H. Hollins	Ditto					
e & Susan	Chas Drake & Co.					
iligence	Fce de Goyne & Co.	1	1.6	1	2	
bago	Ditto					
idas	Chas. Drake & Co.					
ackus	The Master					1
Romulus	Ditto					1
th Wood	Chas Drake & Co.	2	3.4	2	4	
			$ 143.4		$ 33	$ 18

Consular Statem

Depos. Ships papers	Survey's Registry &c	Copy of docum. from record	Extending Protest	Declarations		Powers Attor		Other charges	
				No.	Amount	No	Amount	No	Amount
$ 4									
8				1	2.4				
4									
8				1	2.4				
4				1	2.4				
12									
4									
4									
4									
4									
4									
8									
4		$ 6..				1	8.4		
4									
8									
4				1	2.				
4									
4									
8									
12	8.4	8.4	17						
8	17.	8.4	17	2	5				
4									
4									
8									
4		27		1	2.4	1	8.4		.2
8									
4									
4									
4									
4									
4				1	2.4				
4									
$ 176	$ 25.4	$ 50.	34		19.4		$ 17		.2

...ment of Fees - continued.

...ds & ...tes	Passports		Record of documents sent for ordered from Consulate		Certificates of Citizenship		Burial	Sum total received on this Vessel
...unt	No	Amount						
								$ 4.
								56. 4
								12
								15 4
								7 4
								19
								6
								4
								6
								10
								4
								15
								18 4
								4
								28
								9
								4
								4
								18
								52
								102 4
								4
								4
								24 4
4	2							46. 2
								8
								6.
								4
								4
								5
								7. 4
7	2							8
								$ 520. 6

Consular statement of Fees continued

General remarks on this Vessel.			
7	invoice certificates	20 debenture certificates	2 Voyages
4	"	"	
2	"	"	2 "
2	"	"	3 "
1	"	"	
1	"	"	
3	"	"	
3	"	"	2 "
9	"	"	2 "
1	"	"	
5	"	"	2 "
2	"	"	3 "
15	"	" 10 " "	2 "
4	"	" 5 " "	2 "
			2 "
1	"	"	
4	"	"	
2	"	"	

Consular statement of Fees - continued

Names of Vessels	Names of parties for whom service is rendered	Certificates		Oaths		Noting Protest
		No	Amount	No	Amount	
Bulah	Geo. Knight & Co	1	$ 1.6	1	$ 2	
Congress	The Master					$ 1
Conchita	Ditto					
Commerce	Geo Knight & Co	1	1.6	1	2	
Cero	C. Drake & Co					1
Chas Miller	Geo. Knight & Co					
Angeline	DeCommick & Spalding					1
Bethusa	The Master	2	3 4	2	4	1
Monument	Geo Knight & Co					
Whale	Castillo					
Chas Carroll	The Master	3	5.2	3	6	
Rapid	DeCommick & Spalding	21	29.2	31	7.6	3
Crab	Geo Knight & Co	1	1.6	1	2	
Dorsey	"	1	1.6	1	2	1
A. Crook	The Master					
Savona	C. Drake & Co	5	8.	6	1.4	1
Don Castle	The Master					1
Liberte	"	1	1.6	1	2	1
Fontine	W. S. Bruce	4	7.	4	1	1
Lancet	Geo. Knight & Co	3	5.2	3	6	2
Diana	"					
Dromo	The Master					1
Urchin	Castillo					1
Carb	Geo Knight & Co	1	1.6	2	4	1
Gamit	C. Drake & Co					
Caroline	Geo Knight & Co					
Antelope	C. Drake	1	1.6	1	2	1
J. Mary	F Goyre & Co	4	7.	4	1.	1
E. Mary	The Master					1
Peta	"					1
Forest	Geo. Knight & Co	1	1.6	1	2	
Franklin	Debm & Spalding					
			$ 78.4		$ 15.4	$ 21

Consular Stamps

Depos Ships papers	Surveys Registry &c	Copy of docum Protest	Extending Protest	Declarations No	Declarations Amount	Powers Attor No	Powers Attor Amount	Con Charter No	P No
$ 8									
4				1	$ 2.4				
16									
8									
8				1	$2				
4									
4				2	5				
4									
4									
4									
4									
12									
4									
4									
4				1	2.4				
4									
4		$2							
8				2	4.4				
8	25.4	8.4	$ 17	1	2.				
8									
4									
4									
4		$2		1	2.4				
4									
8									
4		8.4	17	1	2				
8		6.4	17						
4				1	2				
4									
8									
4									
$ 184		$ 29.4	$ 51		$ 25				

tant of Fees - continued

	Passports		Record of documents sent from Consulate		Certificates of Citizenship		Burial		Sum total received on this Vessel	
	№	Amount	№	Amount	№	Amount	№	Amount		
									$	10
										7 4
										16
										10
										11
										4
										10
										9
										4
										4
										10
										52
										6
										7
										6 4
										14 4
										7 .
										15 4
										70
										16
										4
										5
										5
										11
										4
										8
										34 4
										42 4
										7 .
										5
										10
										4
									$	430 . .

Consular statement of Fees continued.

General remarks on this vessel

1 invoice			2 voyages
			4 Ditto
1 "			2 "
			2 "
2 "			
3 "			
11		10 Debentures	3. "
1 "			
1 "			
4 .		1 "	
1 .			2 "
4 .			2 .
3 "			2 .
		1 .	
			2 "
1 .			
4 "			2 .
1 .			2 0 —

Consular statement of Fees continued

Names of Vessels	Names of parties for whom services rendered	Certificates No.	Certificates Amount	Oaths No.	Oaths Amount	Noting protest
Smith	F de Goyri & Co					
Susan Jane	Geo Knight & Co					
Catherine	"	5	8.6	5	1.2	$ 1
Eleanor	The Master					1
System	"	7	11.2	15	3.6	2
Union	"					
Mary Spencer	"	1	1.6	1	2	
Sisters	C. Drake & Co					
Stewart	The Master					
A E	"	4	7.	4	1.-	1
America	"					1
B Blount	"	4	7.	4	1.	2
Powell	"	1	1.6	1	2	2
Tun		1	1.6	1	2	
Vermont	Deborr & Spalding					
Castora	Castillo	8	14.	8	2	2
Emperor	Geo Knight & Co	3	5.2	3	6	
Henry Clay	The Master	4	6.2	5	1.2	1
Levant	"					
Dolphin	C. Drake & Co					
Susan	The Master	1	1.6	1	2	
Triumph	"					1
Export	Geo Knight & Co					
Euphrates	C. Drake & Co	1	1.6	1	2	2
Constancia	Deborr & Spalding					
Last	Geo Knight & Co					2
Venus	C. Drake & Co					
Abigail	"					
W Keller	The Master					1
Caroline	Geo Knight & Co					1
Chatham	F de Goyr & Co					
			$ 68.2		$ 12.2	$ 20

Consular Stam

Depos. Ships papers	Surveys Registry &c	Copy of docum from record	Extending Protest	Declarations		Powers Attorn		Ch	Ex
				No.	Amount	No.	Amount	No.	Amount
$ 4									
4									
8				1	2.4				
4									
8				1	2.4				
4									
8									
4									
4									
8									
4		$2							
12									
8		2							
4									
8									
8				1	2.4				
4									
12				1	2				
8									
4				1	2.4				4
8				1	2.4				
4									
4									
12	8.4	8.4	17	3	8.4				
4									
4		8.4	17	1	2.4				4
4				1	2.4	1	8.4		
4									
4									
4				1	2.4				
4									
$ 184	$ 8.4	$ 21-	$ 34	$	30.4		88.4		8

...tant of Fees - continued.

...ts	Passports		Record [illegible] from prot ...ers		Certificates of Citizenship		Burial		Sum total received on this vessel.
Amount	No	Amount	No	Amount	No	Amount	No	Amount	
									$ 4
									4
									21 4
									5
									27 4
									4
									10
									4
									4
									17
									7
									22
									14
									6.
									8
									28. 4
									10
									22 4
									8
4									10 4
									12 4
									5
									1
									38 4
									1
4									38
									15
									4
									5
									7 4
8									4
									$ 395

Consular statement of Fees continued.

		General remarks on this Vessel	
5	invo. certif^{s}		2 Voyages
3	" "	6 debent.	2 "
1	" "		
4	" "		2 " —
4	" "		3 "
1	" " "		2 "
1	" "		
			2 "
8	" "		2 "
3	" "		
3	" "	1 debt	2 "
			2 "
1	" "		2 "
1	"		3 "

Consular statement of Fees. continued

Names of Vessels	Names of parties for whom services were	Certificates		Oaths		Noting protest
		No.	Amount	No.	Amount	
Alpha	The Master	4	$7.-	4	$1.-	$3
Wm Elliott	C. Drake & Co.					
Alvara	C. Crurat	2	3.4	2	4	1
Ventrosa	Geo Knight & Co.	7	7.6	13	3.2	
Mechanic	The Master	4	7	4	1.	1
Shark	"					1
Norma	Deben & Spalding	19	23.4	32	8	2
Mary Jane	The Masters					1
Lydia Adams	Geo Knight & Co.					1
Luna	C. Drake & Co.					1
Samuel	The Master	1	1.6	1	2	
Rival	"					
Portugal	C. Drake & Co.	2	3.4	2	4	
C. Calhoun	"	2	3.4	2	4	1
Mentor	J de Goyne	1	1.6	1	2	1
Lloyd	"					
W Hall	Deben & Spalding					
Argale	"					
Caledonia	Geo Knight & Co	6	10.4	6	1.4	
Dante	"	1	1.6	1	.2	
J. Turner	J de Goyne	4	7	4	1	
Lloyd Ally	Castillo	1	1.6	1	2	
Bartow	Deben & Spalding					
Texas	The Master	6	9	8	2	2
Canhoe	"	6	9	8	2	1
Isworth	Geo Knight & Co	3	4.4	4	1	1
Clara	C. Drake & Co					
Frances	J Alvarez	14	18.4	22	5.4	2
Celine	The Master					1
Dono	J de Goyne	1	1.6	1	2	
Rebecca	The Master	6	10.4	6	1.4	2
			$133.4		30.4	$21

Consular Statem

Depos Ships papers	Survey Registry	Copy of docu from record	Extending protest	Declaration		Powers Atty		Cty Charters	
				No	Amount	No	Amount	Amount	
$ 12									
4									
8									
8									
4									
4				1	$ 2.4				4
8				2	11.4				
4				1	2.4				
4	$ 17	$ 8.4	$ 17						
4				1	2.				
4									
4									
4									
4									
4									
4									
12									
8				2	$ 17-				
8									
4				1	2				
4									
8				1	2.4				
8									
4									
4				2	5	1	$ 8.4		4
8									
4			$ 17						
4									
8				1	2.4				
$ 176	$ 17	$ 8.4	$ 314		$ 47.4			8.4	

ent of Fees - continued

Tonnage Duties Amount	Passports No	Passports Amount	Record & documents from Consulates No	Record & documents from Consulates Amount	Certificates of Citizenship No	Certificates of Citizenship Amount	Burial No	Burial Amount	Sum total received on this Vessel
									23.
									4
									13
									19
									13
4									11.4
									53
									7.4
									47.4
									7.
									6.
									4
									8
									9
									7
									4
									4
									4
									24
									27.
									16
									8
									4
									23.4
									20.
									9-4
4	4								21.4
									34
									22
									6
									24.4
4									$ 484-4

Consular statement of Fees continued.

General remarks on this Vessel.

4 invoice certif.			3 voyages
2 " .			2 "
1 . .	6 debent. certif		2 .
4 . .			
1			
6 " .	12 " "		2 "
1 . .			
2 " .			
2 . .			
1 . .			
6 . .			3 "
1 . .			2 "
4 " .			2 .
4 . .	2 .		2 "
4 . .	2 .		2 .
2 . .	1 "		
6 . .	8 .		2 .
1 " .			
6 .			2 .

Consular statement of Fees continued.

Names of Vessels	Names of parties for whom service is rendered	Certificates		Oaths		Noting Protest
		No.	Amount	No	Amount	
Morart	Geo. Knight & Co					
Virginia	The Master					$ 1
Leonidas	Geo Knight & Co	2	$ 2.6	3	6	
Otis	The Master	3	5.2	3	6	1
Comet	"					
Chas Carroll	"	1	1.6	1	2	1
Diadem	"	9	10.4	16	4.	2
McLellan	Geo Knight & Co					
Durand	The Master					1
Nat. Packet	"					1
Eagle	C. Drake & Co					
Annabassett	Geo. Knight & Co	1	1.6	1	2	
Chas Wells	F de Goyne & Co	1	1.6	1	2	
Gr. Ally	F. Clark	1	1.6	1	2	2
Bogota	The Master	1	1.6	1	2	1
Orb	Geo Knight & Co	1	1.6	1	2	
Agnes	Deben & Spalding					
Vestal	Castillo					
Gnosure	Geo. Knight & Co	1	1.6	1	2	
Lumens	The Master					
Gremlin	C. Cruzat & Co	3	5.2	3	6	
Natchez	C. Drake & Co					1
Florida	The Master					
W. Davis	Geo. Knight & Co	2	3.4	2	4	1
Roland	"	2	3.4	2	4	
William	C. Cruzat & Co	1	1.6	1	2	
Brutus	Geo. Knight & Co	1	1.6	1	2	
Sublime	"	1	1.6	1	2	
Porto Rico	F. de Goyne					
Gr. Harris	Geo Knight & Co					1
Gr. Sears	C. Drake & Co	1	1.6	1	2	1
			$ 50-		$ 10.	$ 14

Consular

Depos ships papers	Surveys Registry &c	Copy of docum from record	Extending Protest	Declarations No.	Declarations Amount	Pow. Attorn No.	Pow. Attorn Amount	Ch[illegible] No.	Ch[illegible] Amount	[illegible]
$ 4										
4				2	$5					
4										
4										
4				1	2.4					
4										
8				1	2.4					
4										
4				1	2.4	1	8.4			4
8				1	2.4					
8										
4										
4			8.4	1	2					
4										
4										
8										
4										
4										
4										
4				1	2.4					
4			2.							
4				1	2					4
4										
4										
4										
4										
4				1	2.4					
4										
4				1	2.4					
$ 140		$ 10.4	$ 17		$ 26.4				$ 8.4	8

ment of Fees - continued.

Fees	Passports		Record of documents sent from Consulate		Certificates of Citizenship		Burial		Sum total received on this vessel
Amount	No	Amount	No	Amount	No	Amount	No	Amount	
									$ 4
									10
									7. 4
									11
									6. 4
									1
									27
									4
4									20
									11. 4
									8
									6
									6
									35. 4
									7
									6
									8
									4
									6
									12. 4
									7
4									10
									9
									8
									6
									6
									6
									6. 4
									5
									9. 4
4	8								$ 284. 4

Consular Statement of Fees continued.

General remarks on this vessel						
1	invoice	certif	1	debent.	certif.	
3	"	"				
1	"	"				
2	"	"	1	"	"	2 Voyages
						2 "
						2 "
1	"	"				
1	"	"				
1	"	"				
1	"	"				
1	"	"				
18	"	"				2 "
1	"	"				
3	"	"				
2	"	"				
2	"	"				
1	"	"				
1	"	"				
1	"	"				
1	"	"				

Consular Statement of Fees - continued

Names of Vessels	Names of parties for whom service is rend	Certificates		Oaths		Noting & protest
		No.	Amount	No	Amount	
Atlanta	Geo Knight & Co.					
Savannah	"	2	$2	4	$1.-	$1
W Washington	"					
Wmington	"					
Thames	W. S. Bruce	1	1.6	1	2	1
Thoosa	The Master	2	3.4	2	4	1
Helen	Geo. Knights & Co	1	1.6	1	2	
Lapwing	"	1	1.6	1	2	1
Delaware	C. Drake & Co	3	5.2	3	6	2
Noah Ann	The Master					
King Leader	Castillo	3	5.2	3	6	
South Carolina	Deboe & Spalding					1
Paragon	Foriade & Co					
J Madison	The Master	1	1.6	1	2	
New York	"	1	1.6	1	2	
Virgil	C. Drake & Co					1
Smyrna	F Alvarez					1
Archer	Geo Knight & Co					
Freighter	F. deKoyne & Co	1	1.6	1	2	
Benton	I Scull	1	1.6	1	2	8
Talmadge	Geo Knight					
Indids	Deboin & Spalding					
Owen Jones	C. Drake & Co	1	1.6	1	2	1
New Orleans	The Master	1	1.6	1	2	1
J Thomas	"	6	7.4	10	2.4	1
Mexican	"					1
Hancox	Geo Knight & Co					2
Saman	C. Drake & Co					
Benton	Deboe & Spalding	1	1.6	1	2	
Jones	Geo Knight & Co	1	1.6	1	2	1
Washington	The Master	3	5.2	3	6	1
			48-		$9.	$25

Consular [illegible]

Depos. Ships papers	Surveys Registrys	Copy of docum[illegible] from record	Extending Protest	Declarations		Pow[illegible] Attorn[illegible]		[illegible]ates	
				No.	Amount	No.	Amount	No.	Amount
$ 8									
4									
8									
4									
4									
4									
4									
4	$ 8. 4	$ 2		1	$ 2				
8									
4									
4									
4	8. 4	8. 4	17						
4									
4									
4				2	5.				
4				1	2. 4				
4									
4									
36									
4									
4	8. 4			1	2				
4									
4									
4									
4									
8		2.		3	7. 4				
4				1	2. 4				
4									
4	8. 4	8. 4	17	1	2				
4									
$ 172	$ 31 4	$ 21	$ 31 4		$ 23. 4				

...ment of Fees continued

...st fees	Passports		Record of docu^ts not ordered from consulate		Certificates of Citizenship		Burial		Sum total received on this vessel
...mount	N°	Amount	N°	Amount	N°	Amount	N°	Amount	
									$ 8. 0
									8.
									8
									4
									7
									9
									6
									19 4
									16
									4
									10
									39
									4
									6
									6
									10
									7. 4
									4
									6
									46
									4
									14. 4
									7
									7
									15
									5
									19. 4
									6. 4
									6
									43
									11
									$ 366. 4

Consular statement of Fees continued

General remarks on this vessel

2 Voyages

2 debent certif

2 "

1 invoice certif.

2 " "

1 " "

1 " "

3 " "

2 "

3 " "

1 " "

1 " "

1 " "

1 " "

1 " "

9 "

1 " "

1 " "

2 " "

4 debent

2 "

1 " "

3 " "

Consular statement of Fees continued.

Names of Vessels	Names of parties for whom service is rendered	Certificates N°	Certificates Amount	Oaths N°	Oaths Amount	Noting protest
Maryland	Castillo	2	$ 3.4	2	$ 4	
Sunline	Geo Knight & Co	2	3.4	2	4	
Essex	"					
Highlander	The Master					
Invantes	C. Drake & Co					
Flunders	DeBon & Spalding					$ 1
Venus	C. Drake & Co					1
Elizabeth	Geo Knight & Co					
Jno Adams	The Master	3	5.2	3	6	1
Jud Ironing	C. Drake & Co	3	5.2	3	6	1
Belle	The Master					1
Wm Cooper	J. Alvarez	7	10	10	2.4	1
Mary	Geo Knight & Co					
Est Star	"					
Banner	"					
Adventure	C. Drake & Co					
Alcenis	Geo. Knight & Co					
Enterprise	"					
Alligator	"					
Texas	"					
Heron	"					
Am American	DeBon & Spalding					
Frank Green	Geo Knight & Co					
White Oak	The Master					
Audubon	"	2	3 4	2	4	
Falcon	C. Drake & Co	2	3.4	2	4	1
Bolto	The Master					1
Un States	Castillo					1
Albero	Geo Knight & Co					
Bark	"					
Agnes	C. Drake & Co					1
			34.4		$ 6-	$ 10

Consular

Depos. Ships papers	Survey's Registry &c	Copy of docum^t^ Granted	Extending Protest	Declarations		Pow^r^ Attorn^y^		Ack^t^
				N^o^	Amount	N^o^	Amount	
$ 8								
4								
4								
4								
4								
4	$ 8.4	$ 8.4	$ 17	1	$ 2			
4	8.4	8.4	17	2	5	1	8.4	
4								
4				1	2.4			
4								
4								
4								
4								
4								
4								
4								
4								
4								
4								
4								
4	8.4	2		2	5			
4								
4								
4								
4								
4								
4				1	2.4			
4	8.4	8.4	17					
4				2	5			
4				2	5			
4								
4								
4								
$ 128	$ 34	$ 25.4	$ 51		$ 27			8.4

...ment of Fees continued.

...ts & Entries		Passports		Record of docu^ts not in the Consulate		Certificates of Citizenship		Burial		Sum total received on this vessel
...ount		No.	Amount	No	Amount	No	Amount	No	Amount	
										$ 12
										8
										4
										4
										4
										41
4										52.4
										4
										13.4
										11
										5
										17.4
										4
										4
										4
										4
										4
										17.4
										4
										4
										4
										10 ¾ 4
										43
										10
										10
										4
										4
										5
										$ 324.4

Consular Statement of Fees continued.

General remarks on this vessel.	
2 invoc. certif.	2 voyages
2 " "	
3 " "	
3 " "	
4 " "	3 debent certif
2 " "	
2 " "	

Consular statement of Fees_ continued.

Names of Vessels	Names of parties for whom service is rend.	Certificates.		Oaths.		Noting protest.
		N°.	Am't	N°.	Am't	
n. Tallman	Geo. Knight & Co					
T. Saven	C. Drake & Co.					
Exit	Castillo Nephews					
Tiger	The Master					$ 1
Hosanna	Geo. Knight & Co	1	1. 6	1	-2	
A. Browne	The Master					
Chieftan	"					1
m. Perry	Geo Knight & Co.					
Richmond	"					
Douglas	The Master	4	7. "	4	1. "	1
Smacks 45	The Master's					
Portug. Vessels	"					
	Sundry Merchants	25	40	30	7. 4	2
			$ 48. 6		$ 8. 6	$ 5

Consular

Deposit of Ships Papers	Survey's Registry &c.	Copy of docum.ts shown record.	Extending Protest.	Declarations		Powers Attorney		Certificates
				No.	Amt.	No.	Amt.	Amt.
$ 4								
4				1	$ 2.	1	$ 8. 4	
4								
4			17					
4				1	2. 4			
4				1	2. 4			
4								
4								
4								
4								
4				1	2. 4			
90								
		$ 42.	51			12	102.	
$ 130		$ 42	$ 68		$ 9. 4		$ 110. 4	

Consulate of the
Havana

...ment of Fees – continued.

...s and Duties.		Passports.		Record[g] doc[s] not under Seal from Consulate.		Certificates of Citizenship.		Burial.		Sum total received this year.
...[o]		N[o]	Am[t]	N[o]	Am[t]	N.	Am[t]	N[o]	Am[t]	
										$ 4
										14 4
										4
										22 -
										8 4
										6 4
										5
										4
										4
										15 4
										90
									×	613
					$ 4. 4					249.
					$ 4 4					

...authenticating documents. Certificates of discharge &c &c &c. 820

	$ 1860. 2
No 1	243
2	520 6
3	430
4	395
5	484 4
6	284 4
7	366 4
8	324 4
Whole amount.	$ 4909.

...the States of America
...vember 1838.

N. P. Hill

Consular Statement of Fees — continued.

General remarks on this Vessel.
1 invoice certif.
4 " "
20 " " 5 de bent certif.

Captain Wendell to the Secretary of State.

New York May 23 1839

Sir

I transmit you all the documents which I could procure at present

Should anything more be needed please address me care of J Peter[illegible]

New York

I am Sir

Your Obt Servant

J Wendell Jr

Hon John Forsyth

Washington

Hon John Forsyth

Washington

Rec'd with Capt. Wendell's letter of May 23 1839.

Letter of Instructions from Owners of Brig Kremlin John Peters & Co

" N 1 Instr - to Wendall Havana July 12 1838

" do to 2nd Mate of Brig do do 30 do

" do to Capt Babbit do Dec 10

" do " Mrs Wendall do Sept 25

" Bowers Baily & Co to Capt Wendall July 15

" St Lominch Spalding to do Havana Aug 1

" do do " do do " 2

" do do " do do " 7

" Capt Wendall [illegible] to Capt General of Havana

Consul J d'Calo letter [illegible] Havana July 15 9 Nov 1838

Consuls 1 & 2 accounts Havana Jany 1 1839

Extract from Barby Brugat & Co letters dated Havana Oct 6 1838

John Peters & Co Affidavit of Loss

do account Current } New York 22 May 1839

Affidavit of Seamen of Brig Kremlin in relation to not receiving money from the consul

Shipping Articles of Brig Kremlin

The original

Capt. Wendell

Rec'd with Capt.
Wendell's letter of May 23. '35

Capt. Wendell to the Sec: of State

Enclosure No 1.

~~2 with Capt. Wendell's letter of 23d May~~

New York 2d June 1838

Capt Abraham Wendell jr.

Dear Sir

The Brig Rhemkin under your command being now ready for sea, you will proceed to Matanzas with all possible despatch On your arrival there you will find letters from our friends Mesrs De Bruine K Spalding of Havana informing the best that can be done with the brig in the freighting busines. If a freight of four pounds per ton for Sugars to Europe not in the Battic we should advise to take it, If that sum cannot be obtained, we then advise to load with Molasses if it can be bought at 8 rls or less. Should Molasses be very high and no freight can be had to Europe you will then do the best that can be done for our interest, either take Molasses on our account to New York or a freight to New York as you may judge best. Mesrs De Bruine K & Spalding will provide you with the funds for the purchase of the Cargo on our account. Should you load with Molasses be particular as to quality Casks Guage and Stowage.

with Respt

John Purroy

(2.) (3.)

67 00 Lot 4

Mo.

Thos Thornton

Calvin Atchison Trustee

Recd. with Capt. Wendell's letter of 23d. May

Consulate of the United States of America
Havana, July 12. '38

Captain Abraham Wendall
Brig Kremlin of New York.

Sir,

William Bell, the first mate of your vessel, has represented to me that, last night, between the hours of eleven and twelve, he experienced from you personal violence of a very outrageous character, which was followed by threats to shoot him, and then by the barbarous ill-usage of nailing him down under the hatches, where he was kept, by your positive orders, repeated this morning, until seven o'clock A. M. — He has further represented, that the contract entered into by him is one which does not authorise your detaining him on board, and that he is determined not to return to the vessel: a determination in which he will be supported by me, should your conduct towards him be proved on investigation to have been at all of the character represented.

This investigation, he has no desire to pass for in this country. But he does insist upon his discharge under the shipping contract.

I have to request, therefore, that tomorrow, the 13th inst., between the hours of 10. A. M. and 1. P. M. you will bring or send to this Consulate, for my inspection, the shipping articles

articles of your vessel; and that if he be entitled to his discharge, you be then prepared to settle with him, pay him his wages and deliver his effects.

Should you fail to comply with this request, it will become my unpleasant duty to proceed forthwith to lay this man's case before the Captain General; and to do all in my power, not only for the protection of his rights in future, but to have justice done him for the outrages which he alleges to have suffered.

I am Sir, very respectfully,
Your Obed.t
J. P. Hill.

Consulate of the U. S. of America.

NB

Captain Abraham Wendell

Brig Roemlie of New York.

Rec.d with Capt. Wendell's letter of 23.d May

Consulate of the United States of America
Havana July 30th. 1838.

Mr. John Fitch,
Second mate of the Brig Kremlin New York,
now in charge of said Vessel.

Sir,

Henry. M. Savage, one of the crew brought to this port in the Brig Kremlin has appeared at this consulate, and, on his own behalf, as well as that of all the crew, demands his and their discharge from said Vessel. — Having myself read the shipping articles, exhibited to me by the Captain on the 14th. inst, I already know that every one of the crew is entitled to his discharge on demand, and have therefore to request that you will give it without delay to any one who asks it.

Conformably to our law, these men cannot be dis-charged without the payment of the wages earned by them and also of three months extra-wages, over and above the former. But, in consideration of the peculiarity of your situation, which I am sorry to learn this morning, is aggravated by sickness, I shall not add to your troubles under such very extraordinary circum-stances, by calling upon you to do what I know you do not possess, and cannot command, the means of doing.

doing.

The crew must therefore content themselves for the present, with the secure enjoyment of the freedom which is of right theirs: reserving the prosecution of their other rights until they return to the United States. They might be sued for in the tribunals of this place, which could not fail to enforce the claim against the vessel. But, on account of the detention here which the men would probably incur by adopting such a course, besides other good reasons, I shall advise them decidedly against it. Feeling, as I do, for the embarrassing and distressing situation in which you are placed; and which, as I understand, you remain in, through the laudable wish to stay by the vessel on the owner's account; and desirous as I am to applaud the determination which you evince, so long as you occupy your post, to fulfill its duties by obeying to the extent of your ability all orders from the master, in prison though he be; - I must however warn you, not to obey any order that he may give you to interfere with the personal liberty of these men; as you would thereby commit an offence against the laws of this country, for which, whatever might be the responsibility incurred by him in giving you such orders, you could not fail to be held personally accountable.

They

They are no more bound to the Kremlin, than they are to the French brig of war now in port; and should you venture to commit any violation of their liberty, it would be my most unpleasant duty to make a representation in their behalf against you, which could not fail to be attended with serious consequences. My earnest advice to you, therefore, is, not to venture upon any such attempt, whatever may be the orders of the Captain.

I shall recommend to the men, that a portion of them at least, should stay by the vessel, so long as she may be in your charge; under the guarantee from me that they shall be under the special protection of the Captain of the port, to have an opportunity of leaving the vessel before the master shall get on board, should he get out of prison during their continuance there.

I am, Sir, very respectfully
Your Obed't Serv't

N. P. Trist.

Rec'd with Capt. Wendell's letter of 23d May

(Copy) Consulate of the United States of America
Havana December 10th 1838.

Edwd B. Babbit Esq
Commanding U.S.S. Boston.
Sir.

I have the honor to acknowledge the receipt to day, of your favor of yesterday's date, enclosing copies of three communications from Captain A. Wendell jr. Captain Lorenzo Straw, and certain Seamen of the Ships Wm Engs and Schooner Henry Clay.

In regard to the two former, they have already taken up so much of my time that it is impossible for me to bestow any upon them on the present occasion further than to assure you that nothing that can utter is deserving of the least credence. At the head of the lists of persons referred to by Capt. Wendell is the name of a merchant, the most dirty and sneaking knave known to me by reputation in all Havana; the second, Mr. Bumstead, is a bosom friend of the first, and a character of the deepest infamy; and the third, is, according to all appearances, a congenial spirit with the other two. This being the case, it is due that his name which seems to have been misspelled by Capt. W. should be correctly given.— It is not Troop, but Throop: Daniel H. Throop, once of New York, the nephew of a respectable man, now Chargé of the U.S. at Naples, and very probably also the son of respectable parents.

In regard to the Seamen, the case is different. Those of the Wm Engs were arrested by the authorities of the place, at a call from

— 3 —

from their Captain; prosecuted for Mutiny, con-
victed and condemned. As to the facts of the
Mutiny, or conflicts on board the Ship, there
be no doubt. With regard to its origin, the
story told by them is, I am sorry to say, but too
probable on the face of it, judging from my
experience of such matters.— If true, the
Captain ought to be now engaged in cracking
stones in their stead. Upon becoming aware
of their account of the affair, which was
until after their Condemnation, my belief in its
probability led me to take steps in their
behalf which will I hope be attended before
long with a favorable result.

The case of the
three men arrested, tried and convicted for
wearing pointed Knives on shore, is a melancholy
but altogether unavoidable, instance of the rigor
of law.— The rigid execution of the law—
against wearing pointed Knives was the chief
means by which General Jacon established
absolute and perfect security of person here, in
the place of the murders which were of daily
almost hourly— occurrence. These men have
come under the law, as numberless others have
done, and they are now suffering the penalty.
It is a severe one, however; and their case has
received and will continue to receive my attention.

Had the circumstances been such as to afford
any possibility that your cooperation with me
could be of any avail, it would have been
called for.

I am Sir very respectfully
Your Obt Servt

(Signed) N. P. Trist

I do hereby Certify
the above a true
and correct Copy
Edw'd Babbit
Commander
U S Ship Boston

Decr 1838

Consulate

Rec'd with Capt. Wendell's letter of 28th Nov

Capt. Wendell to the Sec: of State. Enclosure No. 5.

Consulate of the United States of America
Havana, September 25th 1838.

Mrs Maria Julia Wendell
Brooklyn, New York.

Madam,

Your favor of the 27th. August came to hand on the 13th inst; when, being in the daily expectation of learning the decision of the authorities in the case of your husband, I counted upon having it in my power to inform you of it by the first vessel which should sail for New York. — The departure of the Rapid has, however, drawn nigh, without that expectation being realised; although, throughout every stage of the business nothing has been omitted on my part, to prevent unnecessary delay. The proceedings (which in this country are all in writing) are, I am informed, exceedingly voluminous; owing in a great measure, if not altogether, to the course pursued by Captain Wendell during their entire progress; which, I regret to be under the necessity of informing you, has corresponded with the conduct that first occasioned his arrest.

I was aware of his having a family; and this could not but prove an additional motive for wishing to be spared the necessity of taking any steps against him, and for regret when it was finally forced upon me. Should any circumstances occur in which anything in his behalf can be done by me consistently with my sense of duty, my gratification at doing it will be encreased by the knowledge of that which it will afford to yourself and children.

I am, Madam, very respectfully
Your Obt. Servt.

J. P. Wells.

Consuls letter
Sep. 26. 1838
2 his wife

—:o:—

Mr Morris Sole Trustee
Quarterly
Mess Slate

Mr Lopez

Rec'd with Capt. Wendell's Ledger of 23d May

Matanzas 15th July 1839.

Capt A Wendall
Brig Kremlin

Sir On your arrival at this port a short time since from New York you stated to us that you had come out with discretionary orders from the owners of the Vessel to do the best for their interests & that the first object was to procure a freight & if that could not be had on advantageous terms, then to purchase a Cargo of Molasses - our first recommendation was that all the Cargo should be entered for sporting, so that if nothing better could be done, you could return home at a trifling expense, but as there was a small quantity of freight on board, it was necessary to come to a full entry - We then made enquiry as to freight, but Nothing was offered and from the best information we could get there was no probability of anything offering & since then Several Vessels have left in ballast & with part Cargoes & altho' one or two small Vessels have procured freight for New York, they would always have had the preference from their Consignees who had their freight - Molasses was nominally 4/3 and very scarce & to have procured

a Cargo for your Vessel 3/p or 5/s would have had to have been paid. For the Lumber on board we could not get an offer. Molasses was quoted at Havanna at 3/p or 4/s ℔ that is a place of much more business & as we thought you could do better there here, we coincided with you that it was best to go there. Notwithstanding the unfavourable opinion expressed by Messrs McCornick & Spalding & accordingly sent your Vessel for that port, we never saw your Worships orders nor were we aware of there being any difficulty in your going to Havanna, or a act of the Agreement with your Crew, or we should of course advised different steps to be taken.

Resp.ly Your Obt. Servts

Bauer Bayley & Co

Havana March 2d. 1839

I James Ross master of the Brig Delaware & Chesterton C. C. & William Thomas of Brig Alpha of Charleston — do Certify that the above Letter is a true Copy from the Original —

Jas. Ross

William Thomas

Ferdinand Clark

This the above letter is a true Copy from the Original

Angel de Espinosa

Jose Julian Aguirre

Marquis de Cacho

Agente

Capt. Wendell to the Sec: of State

Enclosure No. 6.

Extract of letter from H. C & S relative to Kremlin.

"Freights here are dull & it is with difficulty that £3 can be obtained for first Class Vessels to the North Sea, of course the Kremlin would stand a poor Chance here. Molasses cannot be had under 3/- or 4/- & appears to be advancing. We do not therefore see that Capt Wendell can expect to better himself by coming here with his Vessel."

This the above letter is
a true Copy from the Original
Angel de Arespacochaga

José Julian Aguirre

Joaquin Pacho

Notary Public

Capt A Wendell

Brig Franklin

—9—

Capt. Wendell to the Sec: of State. Enclosure No. 7.

Rec'd with Capt. Wendell's letter of 26 May 1838

Copy [copy]

Havana 1 august 1837

Capt A Wendell Esq

Sir

Your letter of yesterdays date requesting us to pay $500. has been presented to us this morning. we have only to state that we have no funds of yours in our hands wherewith to pay that amount, and the proceeds of the Venetia's Cargo. will not cover the amount of her disbursments, and what we have already advanced for Messrs John Peters & to Boa the Argentine agreeably to their orders

Respectfully we remain
yr ob Servants
De Coninck & Spalding

Signed De Coninck & Spalding

Es copia fiel del original
Pablo de Entralgo

Capt. Wendell to the Sec: of State. Enclosure No. 8.

[Copy]

Copy.

Havana 2 August 1838 1838

Capt. A Wendell &c

Sir

I have the favour to be in receipt of your letter of this date, requesting me to advance you $500. on a Bottomry Bond on the Brig Evening which I cannot comply with

I respectfully remain

Yr Ob Servt

Signed De Forminke & Spalding

De Coninck & Spalding

Es copia fiel

Pablo de Entralgo

Salomonske Spaldings

August 1 1838

+ 2. — —

7. 8.

Capt. Wendell to the Sec: of State. Enclosure No. 9

Rec'd with Capt Wendell's letter of 22 May

Copy [Copy]

Havana 7th August 1838

Capt A Wendell Jr

Sir

Your favor of yesterdays date is rec'd and contents noted. In our first letter to you we stated what we have written to your owners: viz: that after loading the Angelina, we would invest the balance of the funds in Molasses for the Kremlin. Before we wrote you the 2 letters, the Angelina had been dispatched, and we have ascertained that all the funds we had of ~~her~~ Cargo ~~will not be sufficient~~ Messrs John Peters & Co. have been used in the purchase of her cargo & the sales of the Kremlins cargo will not be sufficient to balance our a/c with them after deducting the ordinary disbursements of the Vessel. You enquire what we intend to do with regard to loading the Kremlin for owners a/c

certainly we do not interest ourselves
loading her under existing circumstances
without a Master on board to receive the
Cargo, and without knowing what claims
may come against the Vessel, in consequence
of the proceedings against you - We expect
to hear from your owners in reply to our
letters to them on the subject. Before your
can vito be conducted and we have great
hopes that one of the Lions vito come out
& see what is to be done

Respectfully we remain

Yr Ob Servts

De Coninck & Stoltenberg

Dirigeren De Coninck & Stoltenberg

Es copia fiel

Pablo de Entralgo

Capt. Wendell to the Sec: of State.

Enclosure No. 91

Delorimier & Co

7th August

1828

— 9 —

Capt. Wendell to the Sec: of State. Enclosure No. 10.

Rec? with Capt. Wendell's letter of 23 May

To his Ex by Captn Sent.

The undersigned A. Wendell Jr a native of Salem mass: U.S. and master of the American Brig Kremlin now lying in this harbor respectfully requests that your Excellency may be pleased to listen to the following statement in reference to a dispute between the first officer of the Brig Kremlin, under my command, and your petitioner, who relying on the justice of his cause presents before your Excellency the following facts for the truth of which he is ready to produce honest witnesses.

1st Your petitioner sailed from New York on the 5th of June last, as master of the above mentioned brig Kremlin bound for Cuba, and had on board as first officer. William Bell a man then of unknown character, but subsequently found to be addicted to great intemperance, whereby he became unfit to do his duty in a proper and becoming manner, and is possessed of a highly irritable and disagreable disposition -

2nd at length we arrived at Matanzas and on the fourth of July my first officer the said Mr Bell asked my permission to go on shore for a few hours. His request I granted under the very express, and well understood condition, that he should return, and be on board again before 4 o'clock of the next day. I stated to him my reasons why he should be punctual in obeying my orders, First, that my confidence in him was weakened, Second, that I had pardoned him once, for being found drunk on board, but would not do it again if he committed the same error, and, Third, that we were under sailing orders to proceed to Havana, and he must be present to have the vessel ready to proceed at the hour specified for us being on board &c. -

3rd Your Excellency - It was my misfortune to find that there was no confidence to be placed in my first officer - again as I deceived! He was not on board to perform his duty - two hours more I allowed to elapse e'er I weighed my anchor

By the wise laws your Excellency has formed, my officer the said Bell, finding he could not remain on board without being arrested as a deserter made his appearance on board my vessel on the 7th and was allowed to remain - here your Excellency will please to observe the length of time said Bell was absent from my ship, it being a whole of three days, and nights, and that, at a time when my services were most wanted

P.T.O.

Third Your Excellency - the said Bell came on board me a man fit and ready to do his duty, but enfeebled, and ill, as if from intemperance, and two days after, left off attention to his duties, and complained of being sick - I a Physician who, prescribed medicines, and by my attention he recovered - Even then he would not be grateful, but my ordering him to do some light work, he turned round and used towards me, the most vile language, and villanous epithets, and as if determined to take my life he made a spring on me, and grasping me by the throat with both hands, he sought to strangle me - However, I myself, and being aware of the mischief that people suffer under "manera potu" often commit, and seeing he had be furious as a Lyon, I ordered the irons to be brought - In the emergency I ordered him to his station, but he would not obey me, nor allow me to command him, but ran about the vessell, raving & swearing, and abusing me - 'Twas then I was an opportunity when he jumped between decks, I closed the hatches over him, deeming this the best method of preventing from carrying his threats into execution or doing other damage In a few hours he found means of escaping from my vessel, and proceeding on shore -

Since then he has been but once on board, and then demanded his baggage to be delivered up to him to be taken on shore - This I could not, and therefore would not do, by his absenting himself from my vessel, and by his mutinous conduct, had forfeited them, and moreover he still belonged to my vessel, and had shipped to go the whole voyage: and the voyage was not yet completed -

By the Laws of the United States for the better regulation of American commerce it is enacted by section 5th and again enacted by section 7th (to which I refer) Your Excellency will observe that I am justified by the Laws of my country, and by the covenant, existing between said Bell, and the Laws of the Kremlin, in refusing him his baggage, or paying him any wages. I therefore -

In consideration of the foregoing I request that your Excellency may be pleased to approve of my conduct, and to grant me the power of arresting said Mr Bell, and placing him in Prison until my departure, and likewise of bringing to punishment any person or persons, whom I can prove have, or now are harboring him -

Havana 23d July 1838. (true copy) A Wendell.

Capt. Wendell to the Sec: of State.

Enclosure No. 10.

№ 4 10

Ferdinand Clarke Esqr.

Havana

Royal Prison 9th
November 1838

Dear Sir

I was brought here at last & met in the Room destined for
Captain Wendell of the Brig Kremlin,
your acquaintance. His situation
is getting every day worse & worse, the
Expences being very considerable, not less
than two Dollars or Sixty dollars p^r
Month. You are well aware of the
slowness in the judicial Proceedings
& his case may perhaps not be decided
in a long time unless some Friend
of his in the city, pushes the matter to
a close. You Know by what he
has told me, how he stands with Deconick, Cuvat &c^a &c^a & that he has
no other Friend but yourself. He
may find himself in a very bad predicament should his Plenipo with the
Consul continue much longer. How
is he going to pay Six reales every day
his Victuals &c^a. I really have
taken some interest for him a
Foreigner in a Prison & a costly
one, distant from his native home,
his Family, with such gloomy prospects before him & subject to the results

№ 4 10

Rec.d with Capt. Hendell of 28th May

Ferdinand Clarke Esq.

Havana

Royal Prison 9th
November 1838

Dear Sir

I was brought here at last & met in the Room destined to me Captain Wendell of the Brig Kremlin, your acquaintance. His situation is getting every day worse & worse, the Expences being very considerable, not less than two Dollars or Sixty dollars p.r Month. You are well aware of the slowness in the judicial Proceedings & his case may perhaps not be decided in a long time unless some Friend of his in the city, pushes the matter to a close. You Know by what he has told me, how he stands with Deconnick, Cuvat &c.a &c.a & that he has no other Friend but yourself. He may find himself in a very bad predicament should his Pleyto with the Consul continue much longer. How is he going to pay Six reales every day his Victuals &c.a. I really have taken some interest for him a Foreigner in a Prison & a costly one, distant from his native home, his Family, with such gloomy prospects before him & subject to the results

of the Endless Trasladas, informes &c a &c a

He has exhibited & shewn to m
your Letters to him which is the reason
of my writting to you on his behalf.

How badly unwisely, the American
Consul has acted in not weighing
properly the consequences of being the
instrument in throwing him in su
a lonely Place doubly so to a Profess
nal Man bereft of Simpathies, Relati
Friends &c a &c a It may bring him
his death & I have been happy in the
midst of my own misfortune, to sende
him & lend some reflections, remark
&c a to Keep up his Spirits & to prevent
him from sinking under the Melancol
to which he is subject now & then.

"Is he not an American
Captain" a Gentleman, with a large
Family waiting anxiously, tho: in vai
to embrace him" Is not this Port
one of the most frequented by american
Shipping, near to the United States
that a new Susceiption might not
be opened again with some chance
Success." Really we that are in
his Company or the Persons sleeping
with him in the same Piece, feel
most strongly in his favour

"Could you not see
the Lawyer charged with his busines
He is the Young Man writing at
the Pues avenidor, sallow complexion
thin -. You would do a great benef

to Captain Wendell in recommending
this point. The Fact is that the first
Step to be taken should be his Liberty.
He is owing to the Cantineer nearly one
Hundred Dollars & is threatening him with
a new imprisonment when he comes to
be released. Pitiful State of the
Man if some measures are not taken
by his fellow Citizens! Should he be
a French German or English Captain
his situation would be more certain &
his Slavery should not be burthensome
& tolerable as he could depend on
his reaching his native country &
is it not a wonder that an Amer
Master will lie abandoned as Wendell
is! Not a Person comes to see
him & certainly he has committed no
Crime. His differences with the
Consul are not motives why he should
be doomed to the ill fate that awaits
him.
American Merchants Captains
of Ships & indeed all Citizens from America
ought to interest themselves in Captn
Wendells disagreeable State & bring
relief to him till he gets over his
difficulties — At least other
Foreigners would do it & more so
those Persons or individuals that are
acquainted with his circumstances & the
causes that have brought him into
this Dilemma — Forgive the
Liberty I take & command to
your obed Servt

Sent

Franco Xavier de Cabo

1 — 11 —

To Ferdinand Clarke Esq.

Copy of the letter

p. this

Fleet a/c Wreck Capt. Woodis 23 May.

Statement of the names of the Mate & Seamen, and their a/c for wages &c. due from Brig Kremlin

William Bell. Mate. ship'd 28th May to 25 Sept 3, 27, & 30/	117.—	
Add his a/c against the vessel	4.—	
	121.00	
deduct 1 mo advanced $30. Hospital Money .80	30.80	
	90.20	
Add 3 months Extra pay & 30/	90.—	
	$180.20	
H. M. Savage Entd 3 June to 7 Augt 2 mos 4 ds & 18/	30.40	
Deduct 1 mo adv. $15. Cash $2. Canvas $1. Hospital Money .40	21.40	
	17.00	
Add 3 months Extra pay	54.00	
Due H. M. Savage	$71.00	
Jas Sow Ent 3 June to 7 Augt 2 mos 4 ds	38.40	
Deduct 1 mo advance, Cash 2/ Canvas $2. Hos Money 40	22.40	
	16.—	
Add 3 months Extra	54.—	
Due James Sow	$70.00	
Charles Milliken Ent 3 June to 7 Augt 2 mos 4 ds & 18/	38.40	
Deduct 1 mo advance, Cash, Canvas & Hosp Money	22.40	
	16.00	
Add 3 months Extra	54.00	
Due C. Milliken	$70.00	
Wm Cromley Col'man Ent 3 June to 4 Sept 3 mos 1 dy & 18/	54.60	
Deduct 1 mo advance, Cash, Canvas & Hosp Money	21.40	
	33.20	
Add 3 months Extra pay	54.00	
	$87.20	
Charles Williams Ent 3 June to 7 Augt 2 mos 4 ds & 18/	38.40	
Deduct 1 mo adv, Cash, Canvas & Hos Money	21.90	
	$16.50	

Alexander West Cat^{e} 3 June to 7 Augt 2 mos 4 ds @ 18^{D} 38.4

Headnet 1 m^{o} advance, Cask, Canvass Hos^{p} Money 22.4

$16.0

David Toft Cat^{e} 3 June to 7 Augt 2 mos 4 ds @ 18^{D} 38.4

Headnet 1 m^{o} Advance, Cask, Canvass, Hosp^{t} Money 22.90

$15.5

Recapitulation of Amounts due to Each

William Bell	Mate	180.20
Henry M Savage		71.—
James Low		70.—
Charles Milliken		70.—
William Crowley		87.20
Charles Williams		16.50
Alexander West		16.—
David Toft		15.50
		$526.40

Subsequent a/c

Amounts paid by A. D. Trist Esq. American Consul
at the Port of Havana, on a/c of Wages of Brig Kremlin

Wages of William Bell for services on board as Mate
from 28th May to 25 Sept 1838 = 3 mos 27 days @ 30 $ pr Mo 117.00

For Boarding 4 and a respects a/c 4.00
121.—
Less 1 Mo advance and Hospital Fees 30.50
Three months Extra Pay 90.20
90.00
$180.12½

Amount of D. Warrens Bill for boarding the crew whilst
waiting to be paid their Wages £ 160.6½

One Month Extra Wages for Henry Mc, Savage, James Lowe,
Charles Millerton & Wm Crumby Each @ 18 $ 72.00
Amot of Wages due C. Williams Enfeard 16.04
$429.04

Amot of Consuls acct 529.2
" Paid 429.4
$96.7

Habana January 1. 1839

Rec.d with Capt Wendells letter of 23d May 39
Mr Jones

Extract from an a/c from Carlos Cruzat & Co dated at Havana October 6, 1838.

To acct of American Consul for Wages of Crew and extra pay on discharge of same } $ 526.-3

Extract from a Letter from Ditto of same date
Gent.n

We hand you herewith the following documents relative to Brig Kremlin
Bill of Lading
Invoice
Disbursements
Copy of Amer.n Consuls acct for Sailors Wages amt $ 526.40

Extract from a letter from Ditto dated December 7. 1838
Gent.n

We have presented the affidavit to the Consul, respecting the Wages of the Kremlins Crew, and he tells us, that there will be an a/c for board to settle, which he will hand to us, and which we will arrange with him.

Extract from a letter from Wells, dated December 22d 1838
Gent.n

By the Helles pont we were yesterday favored with yours of the 5th Inst.t, Enclosing duplicate papers respecting the Wages of the Crew of the Kremlin, the amot of $61.- and $8.4. you will perceive are accounted for in the a/c current, which we enclose you herewith, shewing a balance in our favour this day of $ 496.2 - as soon as we can settle with the Consul the difference with the Consul, for or Con will be passed to your acct

over

Extract from a Letter from Carlos Cruzat Esq dated Januarry 5. 183

Gent^n

WE are without any of your favours inreplied to me have placed to your Credit the Sum of $96.7, Received from the Am^n Consul. as per Note Enclosed –

I hereby Certify that the above is a true Copy from an ofe and Letter rec^d by Johns Peters Esq. from Carlos Cruzat Esq of Havana

New York May 22 1839 Henry Haggerty

3

Capt. Wendell to the Sec: of State. Enclosure No. 14.

Mr Derrick

We hereby certify that the brig Kremlin of N.York owned by us, sailed from N.York on or about the 4th day of June 1838 for Matanzas, under the command of Capt A Wendall Jr. After remaining there a few days, She went to Havana there to load with molasses for N.York. Shortly after her arrival there (at Havana) the Captain as we were informed by our agents, was imprisioned by the American Consul in consequence of some difficulty between himself & mate & as we understand was kept in prison several months. The crew was discharged by the Consul, with the exception of the second mate & we think one sailor. We sent out a Captain to take charge of the brig & bring her home. On her return, our agents sent us a bill paid the Consul, in which he charged three months wages paid several of the sailors & their wages to different dates. The sailors returned to N.York & called upon us for their wages, saying that they were discharged by the Consul, although they did not wish it, & some, most of them under oath that they had never received any money from the Consul. We settled their wages & requested our agents to call upon the Consul to refund what he had charged us. He refunded ninety six dollars & so being balance due between the first and second account rendered. His second bill contained charges materially different from the first, as may be seen by reference to them. The brig was detained about two months & half longer than she would have been if the Consul had not imprisioned the Captain, & the cargo cost about two thousand dollars more than it could have purchased for on her arrival at Havana. It is customary to send vessels to Havana & then to Matanzas or vice versa according as the market warrants & frequently vessels load part at one port & complete their cargoes loading at the other. The annexed also shows the amount of loss sustained by us —

Boston 22d May 1839 John Bates & Co

14415—

Capt. Wendell to the Sec: of State. Enclosure No. 15.

Encl with Capt. Wendell's letter of 25th May.

Brig Kremlin arrived at Havana 6 July & should have sailed on the 26th July — did sail on the 6th Oct

2 Months & 12 days detention	2 @ 900		2160.00
Consuls bill	526.37		
Commissions thereon	13.16	539.53	
Legs returned by him	96.87		
Wages paid mate	90.20	187.07	352.46
Extra cost of molasses say			2,000.00
2 seals for Reg the actual difference			$ 4512.46

Other expenses such as money paid the Crew & Captain, during the detention &c say 500

$ 5012.46

In addition to the above loss there is a loss in the price of molasses here as the quality is much inferior as the season advances

(17.)

Capt. Wendell to the Secr: of State. Enclosure No. 16.

We the undersigned seamen on board the Brig Kremlin of New York, on her late voyage to Matanzas & Havana do solemnly, sincerely and truly swear, that we were detained at Havana, by the American Consul, twenty three days, as witnesses, in the case of Capt. Wendell and that James Low, David Post, Charles Miller and Jack, a creole, were also detained as witnesses the same time - that we were all discharged by the American Consul; and that we have not received from him or any agent of the Brig Kremlin, any compensation, for our services, other than the advance at New York, previous to sailing, and the small amounts advanced by Capt Wendell, and as far as our knowledge extends that no one received any money from the American Consul, and that we were all discharged the 30th day of August 1830 by the Consul

Signed Henry M Savage
his
Peter Alexander + Wack
mark

Sworn to this 4th day of
October 1830 before me

Signed Thomas Graham
Comm'r of Deeds &c

~~With Capt Wendell's letter of 29th May~~

United States of America

City of New York
State of New York } ss

Be it known to all whom it may doth concern that on the day of the date hereof, before me David Higgins, a Public Notary, in & for the State of New York, duly Commissioned & Sworn, dwelling in the said City -

Personally Came and appeared Charles Williams, an American Seaman, and being by me duly Sworn, did depose as follows viz That about the latter part of May last, he shipped on board the American Brig Kremlin, of this City, and bound to Matanzas, and that he did so proceed and arrived at Matanzas, where the said Brig remained about Eight days, and proceeded from thence to Havana, being under the Command of Capt Wendell, and after laying at Havana, a few days, that the said Master, was committed to Prison, by the American Consul at Havana -

And about Eight days after the said Master was so Committed to Prison, the deponent together with all his Shipmates (with the exception of the 2d Mate) were all taken out of said Brig, by ~~the~~ order of the said Consul, and remained at the City of Havana, about twenty five days, after being taken out of said Brig Kremlin, and that the said deponent as well as the rest of the Crew, frequently applied to the said Consul, for the Payment of their wages, and the extra pay that was due them, for being discharged in a foreign Port in Conformity with the Laws of the United States, and that the said Consul, did always when so requested, say, that he would not pay any of their wages, but they must recover the same from the Owners, on their return to the United States, deponent further says, that he did not at any time, nor ever has received any part or portion of his said wages or extra Pay (for being discharged as aforesaid, from said Consul, and that he the said deponent verily believes and has no doubt, that the rest of the Crew

Over

of said Brig did not receive any thing more than himself from the said Consul

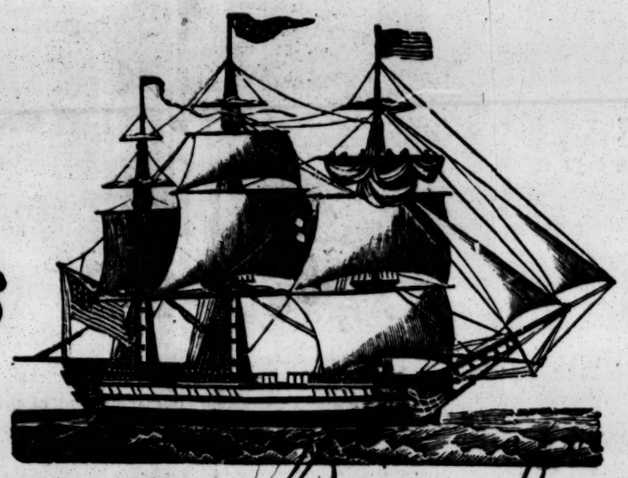
Witness
L Higgins

(Signed) Charles Williams

In testimony Whereof I have hereunto subscribed my Name and affixed my National Seal of Office at the City of New York aforesaid, this Twenty first day of March A.D. 1839

Signed Hard L Higgins
Notary Public

United States of America.



IT IS AGREED between the Master and Seamen, or Mariners, of the Brig Riemlin **of** New York **whereof** Randall Hobby **is at present Master, or whoever shall go for Master, now bound from the Port of** New York to Malanzas and from thence to such Ports & places in Europe as the Master shall direct and to a Port of Discharge in the United States or from Matanzas direct to New York, at the Option of the Master

THAT in consideration of the monthly or other wages against each respective Seaman or Mariner's name hereunder set, they severally shall and will perform the above-mentioned voyage: And the said Master doth hereby agree with and hire the said Seamen or Mariners for the said voyage, at such monthly wages or prices, to be paid pursuant to this agreement, and the laws of the Congress of the United States. And they, the said Seamen or Mariners, do severally hereby promise and oblige themselves to do their duty, and obey the lawful commands of their officers on board the said vessel or the boats thereunto belonging, as become good and faithful Seamen or Mariners; and at all places where the said vessel shall put in, or anchor at, during the said voyage, to do their best endeavours for the preservation of the said vessel and cargo, and not to neglect or refuse doing their duty by day or night, nor shall go out of the said vessel on board any other vessel, or be on shore under any pretence whatsoever, until the above-said voyage be ended, and the said vessel be discharged of her loading, without leave first obtained of the Captain or commanding officer on board; and in default thereof, he or they will be liable to all the penalties and forfeitures mentioned in the Marine Law, enacted for the government and regulation of Seamen in the Merchants' service, in which it is enacted, "That if any Seaman or Mariner shall absent himself from on board the ship or vessel, without leave of the Master or officer commanding on board, and the Mate, or other officer having charge of the log-book, shall make an entry therein of the name of such Seaman or Mariner on the day on which he shall so absent himself; and if such Seaman or Mariner shall return to his duty within forty-eight hours, such Seaman or Mariner shall forfeit three days' pay for every day which he shall so absent himself, to be deducted out of his wages; but if any Seaman or Mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owner or owners of the said ship or vessel, and moreover shall be liable to pay him or them all damages which he or they may sustain by being obliged to hire other Seamen or Mariners in his or their place." And it is further agreed, that in case of desertion, death, or impressment, the wages are to cease. And it is further agreed by both parties, that each and every lawful command which the said Master or other officer shall think necessary hereafter to issue for the effectual government of the said vessel, suppressing immorality and vice of all kinds, to be strictly complied with, under the penalty of the person or persons disobeying, forfeiting his or their whole wages or hire, together with every thing belonging to him or them on board said vessel. And it is further agreed on, that no Officer or Seaman belonging to the said vessel shall demand or be entitled to his wages, or any part thereof, until the arrival of the said vessel at the last above-mentioned port of discharge, and her cargo delivered. And it is hereby further agreed between the Master, Officers, and Seamen of the said vessel, that whatever apparel, furniture and stores each of them may receive into their charge, belonging to the said vessel, shall be accounted for on her return; and in case any thing shall be lost or damaged, through their carelessness or insufficiency, it shall be made good by such Officer or Seaman, by whose means it may happen, to the Master and Owners of the said vessel. And whereas it is customary for the Officers and Seamen, while the vessel is in port, or whilst the cargo is delivering, to go on shore at night to sleep, greatly to the prejudice of such vessel and freighters, be it further agreed by the said parties, that neither Officer nor seaman shall, on any pretence whatever, be entitled to such indulgence, but shall do their duty by day in discharge of the cargo, and keep such watch by night as the Master shall think necessary to order relative to said vessel or cargo: and whereas it frequently happens that the Owner or Captain incurs expenses while in a foreign port, relative to the imprisonment of one or more of his Officers or crew; or in the attendance of nurses, or in the payment of board on shore, for the benefit of such person or persons: Now, it is understood and agreed by the parties hereunto, that all such expenditures as may be incurred by reason of the foregoing premises, shall be charged to, and deducted out of, the wages of any Officer or such one of the Crew by whose means, or for whose benefit the same shall have been paid. And whereas it often happens that part of the cargo is embezzled after being safely delivered into lighters, and as such losses are made good by the owners of the vessel, be it therefore agreed by these presents, that whatever Officer or Seaman the Master shall think proper to appoint, shall take charge of her cargo in the lighters, and go with it to the lawful quay, and there deliver his charge to the vessel's husband, or his representative, to see the same safely landed: That each Seaman or Mariner who shall well and truly perform the above-mentioned voyage (provided always, that there be no desertion, plunderage, embezzlement, or other unlawful acts committed on the said vessel's cargo or stores,) shall be entitled to the payment of the wages or hire that may become due to him, pursuant to this agreement, as to their names is severally affixed and set forth. Provided, nevertheless that if any of the said crew disobey the orders of the said Master or other officer of the said vessel, or absent himself at any time without liberty, his wages due at the time of such disobedience or absence, shall be forfeited; and in case such person or persons so forfeiting wages shall be reinstated or permitted to do further duty, it shall not do away such forfeiture. It being understood and agreed by the said parties, that parol proof of the misconduct, absence, or desertion of any Officer, or any of the Crew of said vessel, may be given in evidence at any trial between the parties to this contract, any act, law, or usage to the contrary thereof notwithstanding. That for the due performance of each and every of the above-mentioned articles and agreements, and acknowledgment of their being voluntary, and without compulsion, or any other clandestine means being used, agreed to, and signed by us: **In Testimony whereof,** we have, each and every of us, hereunto affixed our hands, the month and day against our names, as hereunder written. And it is hereby understood, and mutually agreed, by and between the parties aforesaid, that they will render themselves on board the said vessel on or before Saturday — the Second — day of June Instant — at four — o'clock in the afternoon.

Done at New York City State of New York this Second day of June A.D. 1838 Attest David Higgins Ad. Mag

DATE OF ENTRY.	NAMES.	STATIONS.	PLACES OF BIRTH.	AGE.	HEIGHT. FEET.	HEIGHT. INCHES.	WAGES PER MONTH	ADVANCE WAGES.	ADVANCE ABROAD.	HOSPITAL MONEY.	TIME OF SERVICE. MONTHS.	TIME OF SERVICE. DAYS.	WHOLE WAGES.	WAGES DUE.	Description of Persons. HAIR.	Description of Persons. COMPLEXION.	WITNESS TO SIGNING.
1838																	
May.	"																
" 31	[illegible]	Mate	Aberdeen	37	5	6	30	30									
" 17	Chauncey Fitch	2d Mate	Leominster	22	5	8	20	30									
"	McLean & Crumley	Cook & Steward	New York	25	5	8	19	19									
"	James Low	Seaman	New York	25	5	5	18	18									
"	Henry M Savage	Seaman	Maine	22	5	8	18	18									
"	James & Lloyd	Seaman	Washington City	30	5	7	18		Landed								
"	Charles Williams	Seaman	Sweden	21	5	7	18	19									
"	Charles & Moleken	Seaman	Maine	20	5	11	18	18									
"	David Tofft	Seaman	New York	21	5	5	18	18									
"	Alexander Mark	Seamen		22	5	6	18	18									

David Higgins Ad. Mag

"	Charles + Mollekea	Seaman	Maine	20	5	11	18.	18			
"	David Toft	Seaman	New York	21.	5	5	18.	18			
"	Alexander + Wark	Seamen		22	5	6	18.	18.			

UNITED STATES OF AMERICA.

By this Public Instrument, Be it known to all whom the same doth or may concern, That I, a Public Notary, in and for the State of dwelling in by Letters Patent under the Great Seal of the said State, duly commissioned and sworn, and in and by the said Letters Patent, invested with full power and authority to attest Deeds, Wills, Testaments, Codicils, Agreements, and other Instruments in Writing, and to administer any oath or oaths to any person or persons: Do hereby certify and make known, That before me, personally, appeared the Crew of the within named and signed the within Articles of Agreement, in which the particular descriptions are fully set forth. AND I do further certify, that the said Crew consists of Persons: and that all of them have produced to me evidences of their being Citizens of the United States of America. **Whereof,** an attestation being required, I have granted this under my Notarial Firm and Seal.

Done at the the day of in the year of our Lord one thousand eight hundred and

QUOD ATTESTOR.

Notary Public.

Acts of Congress of the United States of America, for the Government of Seamen, Merchants, &c.

An Act for the Government and Regulation of Seamen in the Merchants' Service. Passed July 30, 1799.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States, to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one State, to a port in any other than an adjoining state, shall before he proceed on such voyage make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel, except such as shall be apprentice or servant to himself or owners, declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. And if any master or commander of such ship or vessel, shall carry out any seaman or mariner, except apprentices or servants as aforesaid, without such contract or agreement being first made and signed by the seamen or mariners, such master or commander shall pay to every such seaman or mariner, the highest price or wages, which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: Provided such seaman or mariner shall perform such voyage, or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

Section 2. *And be it enacted*, That at the foot of every such contract, there shall be a memorandum, of the day and hour on which the seaman or mariner, who shall ship and subscribe, shall render themselves on board, in order to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel shall, on the day on which such neglect happened, make an entry in the log book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner make an entry of the neglect or refusal of such seaman or mariner, to render himself, after the time appointed, every such seaman or mariner shall forfeit for every hour for which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or, having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the owners or consignees, of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced; both which sums shall be recoverable in any court, or before any justice or justices of any state, city, town, or county, within the United States, which, by the laws thereof, have cognizance of debts of equal value against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed on the voyage.

Section 3. *And be it enacted*, That if the mate or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to a foreign port, shall, after the voyage is begun, and before the ship or vessel shall have left the land discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master or commander, shall, upon the request of the said mate, or other officer, and such majority, forthwith proceed to, or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the district court of the district in which he shall there reside, or if not, to some justice of the peace of the city, town or place, taking with him two or more of the said crew who shall have made such request, and thereupon such judge or justice is hereby authorised and required to issue his precept, directed to three persons in the neighbourhood, the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, in writing, under their hands, or the hands of two of them, whether in any or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report, the said judge or justice shall adjudge and determine, and shall endorse on the said report, whether the said ship or vessel is fit to proceed on the intended voyage; if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lies; or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed to be there refitted. And the master and crew shall, in all things, conform to the said judgment And the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed, or a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear, upon the said report and judgment, to have been without foundation, then the said master or the owner or consignee of such ship or vessel, shall deduct the amount thereof and of reasonable damages, for the detension, to be ascertained by the said judge or justice, out of the wages growing due to the complaining seamen or mariners. And if, after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations, as may be ordered, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman or mariner who shall so refuse, to the common jail of the county, there to remain without bail or mainprize, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant. and the surety or sureties of such seaman or mariner, in case he or they shall have given any, shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of *habeas corpus*, or otherwise, until such sum be paid by him or them, or his or their sureties, for want of any form of commitment or other previous proceedings: *Provided*, that sufficient matter shall be made to appear upon the return of such *habeas corpus*, and an examination then be had, to detain him for the causes herein before assigned.

Section 4. *And be it enacted*, That if any person shall harbour or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof before any court in the city, town or county where he, she or they may reside, shall forfeit and pay ten dollars for every day which he, she or they shall continue so to harbour or secrete such seaman or mariner: one half to the use of the person prosecuting for the same, the other half to the use of the United States. And no sum exceeding one dollar shall be recoverable from any seaman or mariner by any one person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage, for which such seaman or mariner engaged, shall be ended.

Section 5. *And be it enacted*, That if any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall so have shipped, without leave of the master or officer commanding on board, and the mate or other officer having charge of the log book, shall make an entry therein of the name of such seaman or mariner on the day on which he shall so absent himself. And if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days' pay for every day on which he shall so absent himself, to be deducted out of his wages. But if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay to him or them all damages which he or they may sustain, by being obliged to hire other seamen or mariners in his or their place, and such damages, shall be recovered with costs, in any court or before any justice or justices having jurisdiction of the recovery of debts to the value of ten dollars or upwards

Section 6. *And be it enacted*, That every seaman or mariner shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one third part the wages which shall be due to him, at every port where such ship or vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due according to his contract, and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners, touching the said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to shew cause why process should not issue against such ship or vessel, her tackle, furniture, and apparel, according to the course of admiralty courts, to answer for the said wages; and if the master shall neglect to appear, or appearing, shall not show that the wages are paid or otherwise satisfied, or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded in to the recovery of the wages according to the course of admiralty courts in such cases used, and in such suit all the seamen or mariners, having cause of complaint of the like kind against the same ship or vessel, shall be joined as complainants: and it shall be incumbent on the master or commander to produce the contract and log book, if required, to ascertain any matters in dispute, otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander: But nothing herein before contained shall prevent any seaman or mariner from having or maintaining any action at common law for the recovery of his wages; or for immediate process out of any court, having admiralty jurisdiction wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, in which case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

Section 7. *And be it enacted*, That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place desert, or shall absent himself from such ship or vessel, without leave of the master or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such justice, and if it shall then appear by due proof that he has signed a contract within the intent and meaning of this act, and that the voyage agreed upon is not performed, or the contract otherwise dissolved, and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him to the house of correction or common jail of the city, town or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the costs of such commitment, and deducting the same out of the wages due to such deserter or mariner.

Section 8. *And be it enacted*, That every ship or vessel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same, and the said medicines shall be examined by the said master and supplied with fresh medicines in the place of such as shall have been used or spoiled, and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of, in case of sickness, at every port or place where such ship or vessel may touch in the course of the voyage, without any deduction from the wages of such sick seaman or mariner.

Section 9. *And be it enacted*, That every ship or vessel belonging as aforesaid, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship bread, for every person on board such ship or vessel, over and besides the ordinary provisions, stores and live stock, as shall by the master or passengers be put on board, and in proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance, in water, flesh, or bread, during the voyage, the master or owner of such ship or vessel, shall pay to each one of the crew, one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.

An Act supplementary to the Act concerning Consuls, Vice-Consuls, and for the further protection of American Seamen. Passed February 28, 1803.

Section 1 BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth, and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them: and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall moreover enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer at the first port in the United States at which he shall arrive at his return thereto, and then and there also produce the persons named therein, to the said boarding officer, whose duty it shall be to examine the men with such list, and report the same to the collector; and it shall be the duty of the collector, at the said port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which said vessel originally sailed: *Provided*, That the said bond shall not be forfeited on account of the said master not producing to the first boarding officer as aforesaid any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, signified in writing under his hand and official seal, to be produced to the collector with the other persons composing the crew as aforesaid; or on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector

Section 2. *And be it enacted*, That it shall be the duty of every master or commander of a ship or vessel, belonging to citizens of the United States, who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposit his register, sea-letter, and Mediterranean pass-port, with the consul, vice consul, or commercial agent, or vice-commercial agent, if any there be at such port, and in case of refusal or neglect of the said master or commander to deposit the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said consul, vice-consul, commercial agent or vice commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his ship or vessel may be, to deliver to the said master or commander all of his said papers: *Provided*, such master or commander shall have complied with the provisions contained in this Act, and those of the Act to which this is a supplement.

Section 3. *And be it further enacted*, That whenever a ship or vessel belonging to a citizen of the United States, shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice-consul, commercial agent, or vice commercial agent, the list of his ship's company, certified as aforesaid, and to pay to such consul, vice-consul, commercial agent, or vice-commercial agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three month's pay over and above the wages which may then be due to such mariner or seaman, two-thirds thereof to be paid by such consul or commercial agent, to each seaman or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the support of distressed citizens of the United States or seamen citizens of the United States, who may be destitute of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port, and the several sums retained for such fund shall be accounted for with the treasury every six months by the persons receiving the same.

Section 4. *And be it further enacted*, That it shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents of the United States, from time to time to provide for the mariners and seamen of the United States, who may be found destitute within their districts respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take on board and transport to the United States, in their vessels, at the request of the said consuls, vice-consuls, commercial agents, or vice-commercial agents, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, on such terms not exceeding ten dollars for each person, as may be agreed between the said master and consul, or commercial agent. And the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities. *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage; and, if any such captain or master shall refuse the same on the request or order of the consul, vice-consul, commercial agent, or vice-commercial agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States, in any court of competent jurisdiction. And the certificate of any such consul or commercial agent, or vice-commercial agent, under his official seal, shall be *prima facie* evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty aforesaid.

Section 5. *And be it further enacted*, That the seventh and eighth sections of the act entitled "An act concerning consuls and vice-consuls," be, and the same are hereby repealed, and that the secretary of state be authorised to reimburse the consuls, vice-consuls, commercial agents, or vice-commercial agents, such reasonable sums as they may heretofore have advanced for the relief of seamen, though the same should exceed the rate of twelve cents a man per diem.

Section 6. *And be it further enacted*, That it shall and may be lawful for every consul, vice-consul, commercial agent, or vice-commercial agent of the United States, to take and receive for every certificate of discharge of any seaman or mariner in a foreign port, fifty cents; and for commission, on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

Section 7. *And be it further enacted*, That if any consul, vice-consul, commercial agent, or vice-commercial agent, shall falsely and knowingly certify, that property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Section 8. *And be it further enacted*, That if any consul, vice-consul, commercial agent, or vice-commercial agent, shall grant a passport or other paper, certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

Section 9. *And be it further enacted*, That all powers of attorney executed after the thirtieth day of June next, in a foreign country, for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at the place where the same shall be executed, for which the person giving the certificate shall receive fifty cents.

An Act concerning the Navigation of the United States. Passed March 1, 1817.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, after the thirtieth day of September next no goods, wares, or merchandise, shall be imported into the United States, from any foreign port or place except in vessels of the United States or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production or manufacture; or from which such goods, wares or merchandise can only be, or most usually are, first shipped for transportation. *Provided, nevertheless*, That this regulation shall not extend to the vessels of any foreign nation which has not adopted, or which shall not adopt, a similar regulation.

Section 2. *And be it further enacted*, That all goods, wares or merchandise, imported into the United States, contrary to the true intent and meaning of this act, and the ship or vessel wherein the same shall be imported, together with her cargo, tackle, apparel and furniture, shall be forfeited to the United States: and such goods, wares, merchandise, ship or vessel, and cargo, shall be liable to be seized, prosecuted and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

Section 3. *And be it further enacted*, That after the thirtieth day of September next, the bounties and allowances now granted by law to the owners of boats or vessels engaged in the fisheries, shall be paid only on boats or vessels, the officers and at least three-fourths of the crews of which shall be proved, to the satisfaction of the collector of the district where such boat or vessel shall belong, to be citizens of the United States, or persons not the subjects of any foreign prince or state.

Section 4. *And be it further enacted*, That no goods, wares, or merchandise shall be imported under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power; but this clause shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided, no goods, wares, or merchandise, other than those imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States

Section 5. *And be it further enacted*, That after the thirtieth day of September next, there shall be paid a duty of fifty cents per ton upon every ship or vessel of the United States, which shall be entered in a district in one state from a district in another state, except it be an adjoining state, on the sea coast, or on a navigable river or lake, and except, also, it be a coasting vessel going from Long Island, in the state of New-York, to the state of Rhode Island, or from the state of Rhode Island to the said Long Island, having on board goods, wares, and merchandise, taken in one state to be delivered in another state. *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, more than once a year: *And provided, also*, That if the owner of any ship or vessel, or his agent, shall prove, to the satisfaction of the collector, that *three-fourths* at least of the crew thereof are American citizens, or persons not the subjects of any foreign prince of state, the duty to be paid in such case shall be only at the rate of six cents per ton: but nothing in this section shall be construed to repeal or effect any exemption from tonnage duty, given by the eighth section of the act, entitled "An Act to provide for the establishment of certain lights, and for other purposes," nor therein to amend an act, entitled "An act to regulate the collection of duties on imposts and tonnage, and for other purposes."

Section 6. *And be it further enacted*, That after the thirtieth day of September next, there shall be paid upon every ship or vessel of the United States, which shall be entered in the United States from any foreign port or place, unless the officers, and at least *two-thirds* of the crew thereof shall be proved citizens of the Unit d States, or persons not the subjects of any foreign prince or state, to the satisfaction of the collector of the district, a duty of fifty cents per ton: *And provided also*, That this section shall not extend to ships or vessels of the United States, which are now on foreign voyages, or which may depart from the United States, prior to the first day of May next, until after their return to some port of the United States.

Section 7. *And be it further enacted*, That the several bounties and remissions, or abatements of duty allowed by this act, in the case of the vessels having a certain proportion of seamen who are not citizens, nor the subjects of any foreign power, shall be allowed in the case of vessels having such proportion of American seamen during their whole voyage, unless in case of sickness, death, or desertion, or where the whole or part of the crew shall have been taken prisoners in the voyage.

An Act regulating Passenger Ships and Vessels. Passed March 2, 1819.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That if the master or other person on board of any ship or vessel, owned in the whole or in part by a citizen or citizens of the United States, or the territories thereof, or by a subject or subjects, citizen or citizens of any foreign country, shall, after the first day of January next, take on board of such ship or vessel, at any foreign port or place, or shall bring or convey into the United States, or into the territories thereof, from any foreign port or place; or shall carry, convey, or transport from the United States, or the territories thereof, to any foreign port or place, a greater number of passengers than two for every five tons of such ship or vessel, according to the custom-house measurement, every such master or other person so offending, and the owner or owners of such ship or vessel shall severally forfeit and pay to the United States, the sum of one hundred and fifty dollars for each and every passenger so taken on board or brought into the United States above the aforesaid number of two to every five tons of such ship or vessel, to be recovered by suit in any Circuit or District Court of the United States, where the said vessel may arrive, or where the owner or owners aforesaid may reside: *Provided nevertheless*, That nothing in this act shall be taken to apply to the compliment of men usually and ordinarily employed in navigating such ship or vessel.

Section 2. *And be it further enacted*, That if the number of passengers so taken on board of any ship or vessel, as aforesaid, or conveyed or brought into the United States, or transported therefrom, as aforesaid, shall exceed the said proportion of two to every five tons of such ship or vessel, by the number of twenty passengers in the whole, every such ship or vessel shall be deemed and taken to be forfeited to the United States, and shall be prosecuted and distributed in the same manner in which the forfeitures and penalties are recovered and distributed under the provisions of the act, entitled "An Act to regulate the collection of duties on imports and tonnage."

Section 3. *And be it further enacted*, That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe, at the time of leaving the last port whence such ship or vessel shall sail, shall have on board, well secured under deck, at least sixty gallons of water, one hundred pounds salted provisions, one gallon of vinegar, and one hundred pounds of wholesome ship bread, for each and every passenger on board such ship or vessel, over and above such other provisions, stores, and live stock, as may be put on board by such master or passenger for their use, or that of the crew of such ship or vessel; and in like proportion for a shorter or longer voyage; and if the passengers on board of such ship or vessel, in which the proportion of provisions herein directed shall not have been provided, shall at any time be put on short allowance, in water, flesh, vinegar or bread, during any voyage aforesaid, the master and owner of such ship or vessel shall severally pay to each and every passenger who shall have been put on such short allowance as aforesaid, the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the same manner as seamen's wages are or may be recovered.

Section 4. *And be it further enacted*, That the captain or master of any ship or vessel arriving in the United States, or any of the territories thereof from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and, if there be no cargo, then at the time of making report or entry of the ship or vessel pursuant to the existing laws of the United States, shall also deliver and report to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate, particularly, the age, sex, and occupation of the said passengers, respectively; the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any, and what number, have died on the voyage; which report and manifest shall be sworn to by the said master, in the same manner as is directed by the existing laws of the United States, in relation to the manifest of the cargo; and that the refusal or neglect of the master aforesaid, to comply with the provisions of this section, shall incur the same penalties, disabilities, and forfeitures, as are at present provided for a refusal or neglect, to report and deliver a manifest of the cargo aforesaid.

Section 5. *And be it further enacted*, That each and every collector of the customs, to whom such manifest or list of passengers as aforesaid shall be delivered, shall, quarter yearly return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

report, the said judge or justice shall adjudge and determine, and shall endorse on the said report, his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lies; or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed to be there refitted. And the master and crew shall, in all things, conform to the said judgment And the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed, or a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear, upon the said report and judgment, to have been without foundation, then the said master or the owner or consignee of such ship or vessel, shall deduct the amount thereof and of reasonable damages, for the detension, to be ascertained by the said judge or justice, out of the wages growing due to the complaining seamen or mariners. And if, after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations, as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman or mariner who shall so refuse, to the common jail of the county, there to remain without bail or mainprize, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant: and the surety or sureties of such seaman or mariner, in case he or they shall have given any, shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of *habeas corpus*, or otherwise, until such sum be paid by him or them, or his or their sureties, for want of any form of commitment or other previous proceedings: *Provided*, that sufficient matter shall be made to appear upon the return of such *habeas corpus*, and an examination then be had, to detain him for the causes herein before assigned.

Section 4. *And be it enacted*, That if any person shall harbour or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof before any court in the city, town or county where he, she or they may reside, shall forfeit and pay ten dollars for every day which he, she or they shall continue so to harbour or secrete such seaman or mariner: one half to the use of the person prosecuting for the same, the other half to the use of the United States. And no sum exceeding one dollar shall be recoverable from any seaman or mariner by any one person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage, for which such seaman or mariner engaged, shall be ended.

Section 5. *And be it enacted*, That if any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall so have shipped, without leave of the master or officer commanding on board, and the mate or other officer having charge of the log-book, shall make an entry therein of the name of such seaman or mariner on the day on which he shall so absent himself. And if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days' pay for every day which he shall so absent himself, to be deducted out of his wages. But if any seaman or mariner shall absent himself for more than forty-eight hours

may touch or trade at, during the voyage, without any deduction from the wages of such sick seaman or mariner.

Section 9. *And be it enacted*, That every ship or vessel belonging as aforesaid, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live stock, as shall by the master or passengers be put on board, and in proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance, in water, flesh, or bread, during the voyage, the master or owner of such ship or vessel, shall pay to each one of the crew, one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.

An Act supplementary to the Act concerning Consuls, Vice-Consuls, and for the further protection of American Seamen.

Passed February 28, 1803.

Section 1 BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth, and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them: and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall moreover enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer at the first port in the United States at which he shall arrive at his return thereto, and then and there also produce the persons named therein, to the said boarding officer, whose duty it shall be to examine the men with such list, and report the same to the collector; and it shall be the duty of the collector at the said port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which said vessel originally sailed: *Provided*, That the said bond shall not be forfeited on account of the said master not producing to the first boarding officer as aforesaid any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, signified in writing under his hand and official seal, to be produced to the collector with the other persons composing the crew as aforesaid; or on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector

for commission, on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

Section 7. *And be it further enacted*, That if any consul, vice-consul, commercial agent, or vice-commercial agent, shall falsely and knowingly certify, that property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Section 8. *And be it further enacted*, That if any consul, vice-consul, commercial agent, or vice-commercial agent, shall grant a passport or other paper, certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

Section 9. *And be it further enacted*, That all powers of attorney executed after the thirtieth day of June next, in a foreign country, for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at the place where the same shall be executed, for which the person giving the certificate shall receive fifty cents.

An Act concerning the Navigation of the United States.

Passed March 1, 1817.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, after the thirtieth day of September next no goods, wares, or merchandise, shall be imported into the United States, from any foreign port or place except in vessels of the United States or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production or manufacture; or from which such goods, wares or merchandise can only be, or most usually are, first shipped for transportation. *Provided, nevertheless*, That this regulation shall not extend to the vessels of any foreign nation which has not adopted, or which shall not adopt, a similar regulation.

Section 2. *And be it further enacted*, That all goods, wares or merchandise, imported into the United States, contrary to the true intent and meaning of this act, and the ship or vessel wherein the same shall be imported, together with her cargo, tackle, apparel and furniture, shall be forfeited to the United States: and such goods, wares, merchandise, ship or vessel, and cargo, shall be liable to be seized, prosecuted and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

Section 3. *And be it further enacted*, That after the thirtieth day of September next, the bounties and allowances now granted by law to the owners of boats or vessels engaged in the fisheries, shall be paid only on boats or vessels, the officers and at least three-fourths of the

Section 2. *And be it further enacted*, That if the number of passengers so taken on board of any ship or vessel, as aforesaid, or conveyed or brought into the United States, or transported therefrom, as aforesaid, shall exceed the said proportion of two to every five tons of such ship or vessel, by the number of twenty passengers in the whole, every such ship or vessel shall be deemed and taken to be forfeited to the United States, and shall be prosecuted and distributed in the same manner in which the forfeitures and penalties are recovered and distributed under the provisions of the act, entitled "An Act to regulate the collection of duties on imports and tonnage."

Section 3. *And be it further enacted*, That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe, at the time of leaving the last port whence such ship or vessel shall sail, shall have on board, well secured under deck, at least sixty gallons of water, one hundred pounds salted provisions, one gallon of vinegar, and one hundred pounds of wholesome ship bread, for each and every passenger on board such ship or vessel, over and above such other provisions, stores, and live stock, as may be put on board by such master or passenger for their use, or that of the crew of such ship or vessel; and in like proportion for a shorter or longer voyage; and if the passengers on board of such ship or vessel, in which the proportion of provisions herein directed shall not have been provided, shall at any time be put on short allowance, in water, flesh, vinegar or bread, during any voyage aforesaid, the master and owner of such ship or vessel shall severally pay to each and every passenger who shall have been put on short allowance as aforesaid, the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the same manner as seamen's wages are or may be recovered.

Section 4. *And be it further enacted*, That the captain or master of any ship or vessel arriving in the United States, or any of the territories thereof from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and, if there be no cargo, then at the time of making report or entry of the ship or vessel pursuant to the existing laws of the United States, shall also deliver and report to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate, particularly, the age, sex, and occupation of the said passengers, respectively; the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any, and what number, have died on the voyage; which report and manifest shall be sworn to by the said master, in the same manner as is directed by the existing laws of the United States, in relation to the manifest of the cargo; and that the refusal or neglect of the master aforesaid, to comply with the provisions of this section, shall incur the same penalties, disabilities, and forfeitures, as are at present provided for a refusal or neglect, to report and deliver a manifest of the cargo aforesaid.

Section 5. *And be it further enacted*, That each and every collector of the customs, to whom such manifest or list of passengers as aforesaid shall be delivered, shall, quarter yearly return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

We, the undersigned, late Mariners on board the on her late voyage described on the other side of this Instrument, and now performed to this place of payment,
DO HEREBY EACH ONE FOR OURSELVES, with our signatures and seals acknowledge to have received of agent or owner of said
the full sum hereunder set against our respective names, it being in full for our services, as wages, on board of said vessel, and in consideration whereof, and particularly the further sum of to each of us paid, we have released, and do hereby release and discharge for ever, the Master, Officers and Owners of said vessel, and each of them, of and from all suits, claims and demands, for ASSAULT AND BATTERY OR IMPRISONMENT, and every other matter and thing, of whatever name or nature, against said Master, Owners and Officers, to the day and date hereunder also set against our names.

NAMES.	AMOUNT.	AMOUNT IN WRITING.	PLACE AND DATE OF PAYMENT.	SIGNATURES AND SEALS.	WITNESS TO SIGNING.

2 28 may William Clark to the Secretary of State

Boston 25th May 1839

To Hon.a John Forsyth
Secretary of State

Dear Sir

The undersigned beg leave to address you - on the following subject and pray your attention to the same -

My Brother Isaac Clark of Brewster in this commonweatth - is now unfortunately incarcerated in prison in Havana - for the alledged offence of muting on board the Ship William Engs - while in the port of Havana on the 11th ~~April~~ July 1838. My Brother shipped as a Seaman on board this Ship in Liverpool for a Voyage to New Orleans. And thence to Ship again or take passage in some Vesset to this Port and visit his parents. He signed no shipping paper therefore he was not bound. Only by verbal — agreement and was at liberty if he saw fit to leave in Havana. The Ship did not proceed to N. Orleans But touched at Havana for busines. and engaged a freight for St. Petersburg. The crew declined going the Voyage. as they had not agreed to go only to — New Orleans. Captain Vaughn insisted on their going the Voyage. But the whole crew declined going the Voyage and would not do duty as their duty ended in Havana. And demanded liberty to go ashore, and see the american Consul. he insist on the subject but Capt Vaughn refused. They had been kept on board the Ship five weeks before the revolt took place. and during the time. Had applied to go ashore every Sunday. and were refused during the whole time to go ashore. On the crew refuseing duty (after the lapse of five weeks in the port of Havana) The Captain ordered two of the crew to be siezed up to the main rigging and flogged. Two of the crew interfered then. in behalf of their — two Comrades Knowing it was an usurped authority on the part of the Captain. to exercise his tyranny without any legal right. And pushed

the Captain away. The Captain then called on the Police of the City. had the whole crew arrested and put in prison. And they remainest there until the 30th august. following. when they were taken before the Spanish Court. and sentenced to two years imprisonment at hard labour. My Brother being young. only nineteen years of age. which our plead in his favor. he declares in a letter to me. he had nothing to do with the leaders in the revolt. use no abusive language. Only refused duty. relying on his legal and natural rights. when the trial came on our Consul did not appear. haveing requ a speedy trial by the Spanish laws. and the Sailo were not allowed to even produce a witness. in their behalf. nor the privileye of an advocate to p their cause. I consider my Brother is now undergo sufferings and punishment in prison. illegally a wholly by the cold neglect and pusillanimous — Conduct of N. P. Trist. Esq U. States Consul — Attending this I send you a copy of Mr Trist le to John Mills Esq. U States District Attorney for the commonwealth. and regret to perceive he und values. the character of a sailor. that sails un his countries flag. My Brother with another amer n. the only ones. of our Countrymen out of the 7 — composeing the crew. Besought the Consul earnes at the time. by letter. to intercede and insist on the haveing a trial in their own Country under their own laws. but to no effect. the offence being on board an american Ship and officers. Is it n wrong. that our citizens should be punished a foreign prison by foreign laws for an action that happened under our Flag. The five of the cre were British subjects. and by the interposition of their Govt their sentence has been reduce to the term of one year. while my Brother ha to remain the term of two years.

I pray your intercession in behalf of my Brothers liberation. and beg you to communicate what my hopes & prospects are.

I have seen Capt Edward B. Babbitt of a States Sloop of war Boston. who left Havana in April. and feel established in all the foregoing by his statement. I feel positive our Government will not justify the proceedings of our Consul all of which is respectfully submitted

with great respect
your Obt Servant
William Clark

P. S. Please direct your communication to the care of. Messrs Means & Clark. Boston

We are personally acquainted with Capt. William Clark. and believe his statement all true knowing some the circumstances. the aggravated case alluded to. he has not used the severe style he might.

Means & Clark

Naval-Office Boston May 25. 1834

I am well acquainted with Messrs Means and Clark the signers of the above statement. They are among the first merchants of this city & entitled to implicit confidence in any statement they may make

Isaac V Bowers
Naval Officer
of Customs.

Hon.ᵃ John Forsyth
Secretary of State
Washington City
D. C.

Rec'd with Mr Wm Clark's letter of 25 May '39.

William Clark to Sec. of State. Enclosure.

Consulate of the United States of America

Havana April 13th 1839

To John Mills Esq

Attorney of the U.S.

Boston

Sir

In acknowledgment of your favor of the 16th ultd. which came to hand on the 11th inst. I have to state that a full report of the case of the William Enys will be made very shortly to the Secretary of State, with the recommendation from me that an application should be made by our Government to that of Madrid for the pardon of Isaac Clark and his comrades; upon the ground that though they were convicted of Muting of a very serious character in this port, the sentence grounded thereon was inordinate; and further, that there are circumstances averred by them (in favor of which averments my experience in this office creates a decided presumption) which if true, were a justification of the muting. So at least would be my decision as a Judge, and my counsel as a father, had I (which Heaven forbid!) a son a sailor under our flag

I am Sir yours respectfully N. P. Trist

U.S. Dist Atty's Office

Boston May 24th 1839

I certify that the foregoing is
a true copy of the original
of letter from the U.S. Consul
at Havana -

John Wild
Dist Atty